

this speech in VI.vi below, and see its n.77.) Eusebius contrasts with Constantine's *monarchia* the *ex isotimias polyarchia*, 'the rule of the Many, founded on equality of privilege'. He may well mean any form of rule other than monarchy, but *isotimia* suggests democracy above all. And he declares that such *polyarchia* is mere 'anarchy and civil strife' (*anarchia kai stasis*).⁶³ This was very much what Plato had thought about democracy. But in the seven eventful centuries between Plato and Eusebius democracy had perished utterly. Its spirit had been partly broken before the end of the fourth century B.C., and its institutions had then been gradually stamped out by the combined efforts of the Greek propertied classes, the Macedonians and the Romans. In Byzantine writers from at least the early fifth century onwards, the word *dēmokratia* and its verb *dēmokratein* can denote 'mob violence', 'riot', even 'insurrection'.⁶⁴ The democracy which revived in the modern world was something new, which owed little directly to Greek *dēmokratia*. But by the very name it bears it pays a silent but well-deserved tribute to its ancient predecessor.⁶⁵

This book is concerned with the Greek world by 300 B.C. and 30: see Section I.ii above) and not by Rome and part of the Roman empire which was spoken upon the Greek world.

We commonly, indeed the Greek of great, and actually we ignore two or three say that the Roman than the Greeks in First, they excelled own propertied class perfectly when he Roman race) tell the of oratory and of means of course the

Let it be your work arts: to impose the (*parcere subiectis, et*

The proud, the *sup* domination; and b world' (Frontinus, queror and comma force of the verb ' II.22.1), where Ger in A.D. 16, with a Elbe had been *debel* how Germanicus h

no prisoners were to be taken; nothing but the extermination of the race would put an end to the war' (cf. I.51.1-2). Vespasian, whose son Titus sacked Jerusalem in A.D. 70 with the most appalling carnage, is called by Tertullian 'Iudaeorum debellator' (*Apol.* 5.7). Let us never forget that the Roman passion for 'ruling' was anything but disinterested or motiveless: the intensely practical Roman governing class ruled because that was the best means of guaranteeing the high degree of exploitation they needed to maintain. (How far the acquisition by the Romans of much of their empire was due to this factor is a different question.) I fully agree with A. H. M. Jones:

If I may venture a generalisation on the economic effects of the Roman empire I would say that its chief effect was to promote an ever increasing concentration of land in the hands of its governing aristocracy at the expense of the population at large (*RE* 135).

The other sphere (the intellectual one) in which Roman genius displayed itself was the *ius civile*,¹ the 'civil law', a term with a whole range of meanings (depending mainly on the context) which I shall use in a fairly broad sense, to mean the private law regulating relations between Roman citizens. (Only a small minority of even the free population of the 'Greek world', in my sense, was affected by the *ius civile*, of course, until the *Constitutio Antoniniana*, in A.D. 212, extended the Roman citizenship to nearly the whole free population of the empire: see VIII.i below.) I must immediately make it clear that I do not mean at all that the Romans had what we call 'the rule of law': in fact that was conspicuously lacking from large areas of the Roman legal system, including particularly what we should call criminal and constitutional law (together making up 'public law'), the very spheres most people today will mainly be thinking of when they use the expression 'the rule of law'. The opinion I have just expressed about Roman law is so different from the admiring one often heard that I may be excused if I repeat and amplify some views I have expressed briefly elsewhere,² with some citation of writers on Roman law who will command far greater authority than I can.

In the standard work of H. F. Jolowicz, *Historical Introduction to the Study of Roman Law* (now available in a third edition, revised by Barry Nicholas, 1972), the section on criminal jurisdiction in the Principate points out that the Roman 'criminal system never passed through a stage of strict law', and that here 'the "rule of law" . . . was never established' (401-4, at 404). As for the constitutional sphere, I show in Section vi of this chapter how autocratic was the rule of the emperors, not only in the Later Empire but also (if with more attempt to conceal the reality) in the Principate, from the very beginning. Even the operation in practice of the *civil* law was deeply affected by the new forms of legal process which were introduced in the early Principate and gradually came to supersede the 'formular system' that had flourished during the last few generations of the Republic. It is difficult even to give these new processes a collective name, but perhaps 'the system of *cognitio*'³ will serve. Introduced for some purposes (*fideicommissa*, for example) as early as the reign of Augustus, and always of course dominant in the provinces, this procedure had become universal even in Italy and Rome itself by the late third century, in civil as well as criminal cases. It was sometimes referred to by the Romans as '*cognitio extraordinaria*', even long after it had become standard practice. The *Institutes* of Justinian (published in

533) could refer to the older forms of process which had long been obsolete as '*iudicia ordinaria*', in contrast with the '*extraordinaria iudicia*' introduced by 'posteritas' (*Inst.J.* III.xii.pr.), and in another context could use the expression 'as often as a legal decision is given *extra ordinem*', adding 'as are all legal decisions today'! (*quotiens extra ordinem ius dicitur, qualia sunt hodie omnia iudicia*: IV.xv.8). Mommsen, in his *Römisches Strafrecht* of 1899 (still a standard work), characterises the *cognitio* system as being essentially 'a legalised absence of settled form' and remarks that it entirely eludes scientific exposition (340, cf. 340-1, 346-51). In practice it gave the magistrate trying the case a very large measure of discretion, and its general extension justifies such statements as those of Buckland that 'civil procedure was superseded by administrative action' and that there was an 'assimilation to administrative and police action' (*TBRL*⁴ 662-3). It is true, as Buckland insisted, that the civil procedure was 'still judicial' and that 'the magistrate must abide by the law' (*loc. cit.*); but the magistrate had very wide powers, and as far as criminal procedure is concerned even so doughty a champion of Roman legalism as Fritz Schulz admitted, in two separate passages (*PRL* 173, 247), that the rule '*nullum crimen sine lege, nulla poena sine lege*' ('no criminal charge except by a law, no punishment except by a law') was always unknown to Roman law. If I am devoting more attention here to legal procedure and less to legal principle than might be expected, it is because the Roman lawyer, unlike his modern counterpart in most countries, 'thought in terms of remedies rather than of rights, of forms of action rather than of causes of action' (Nicholas, *IRL* 19-20), so that the nature of legal procedure was all-important.

The Roman *ius civile* was above all an elaborate system, worked out in extraordinary detail and often with great intellectual rigour, for regulating the personal and family relationships of Roman citizens, in particular in regard to property rights, a peculiarly sacred subject in the eyes of the Roman governing class. (I have said something in VII.iv below of the obsession of Cicero – not himself a lawyer, of course, although he was the leading advocate of his day – with the inviolable nature of property rights and his belief, shared no doubt by most of his fellows, that their preservation was the main reason for the foundation of states.) The admirable intellectual characteristics of Roman law, however, were confined within a far narrower field than many people realise. Quoting with approval a statement by Bonfante about the great importance of the law of succession within Roman law as a whole, Schulz comments, 'The Roman law of succession is indeed the focus of the Roman "will to law"' (*CRL* 204); and later he repeats this statement, adding that it is

in particular true of the law of legacies, and whoever wishes to obtain a vivid and impressive picture of classical jurisprudence must needs study this domain of Roman law. However, this achievement of the classical lawyers reveals their limitations as well as their greatness . . . One cannot help wondering whether it was really justifiable to spend so much time and labour on these difficult and tortuous questions, the practical importance of which was so slight (*CRL* 314).

Mentioning various fields in which Roman lawyers showed little or no interest, he goes on to say that they

refrained from discussing any issues in which public administrative law was involved. On the whole classical jurisprudence remained within the magic circle described by the

Republican lawyers. These were *iuris consulti*, i.e. lawyers who gave *responsa*, legal opinions, and advice when consulted by parties. Their sphere of interest was, therefore, inevitably limited, but questions on legacies were just the matters most frequently brought before them, since their clients mainly, if not exclusively, belonged to the *beati possidentes* [the rich]. In this respect the classical lawyers remained true to the Republican tradition. Absorbed in the spinning of their fine network, they not only neglected other issues which were of much greater importance, but they apparently failed to realise how complicated the law of legacies grew under their hands. The magnificent achievement of classical jurisprudence, here as elsewhere, was dearly purchased (CRL 314-15).

Later in the same book Schulz acknowledges that the Roman lawyers 'hardly touched upon those questions which seem vital to us' (CRL 545), such as the protection of workers, or of 'the poor lessees of flats or agricultural land'. (I have already referred, in IV.iii above, to the severity of the Roman law of leasing, *locatio conductio*.) But when Schulz says again that 'The lawyers wrote and worked for the class of the *beati possidentes* to which they themselves belonged and their social sense was ill developed' (ibid.), we may be tempted to comment that the 'social sense' of these lawyers was all too well developed: they were thinking, as we ought to expect, in terms of the interests of the class to which they themselves and their clients belonged. Law, indeed, has 'just as little an independent history as religion' (Marx and Engels, *German Ideology* I.iv.11, in *MECW* V.91).

One other feature of Roman law needs to be mentioned here: the discrimination on grounds of social status, based to a high degree upon distinctions of class in my sense, which I describe in VIII.i below. These manifested themselves chiefly, it is true, in the criminal field (where, as I have pointed out, Roman law remained a rather disreputable affair); but they also entered into the administration even of the *ius civile*, in the sense in which I am using that term, for instance by attaching greater weight to the evidence given by members of the upper classes. As I explain in VIII.i below, the inbuilt disposition of Roman law to respect and favour the propertied classes became more explicitly institutionalised during the Principate. Thus, as A. H. M. Jones has said, 'There was one law for the rich and another for the poor',⁴ although in the purely civil sphere 'it was not so much the law that was at fault, as the courts' (LRE I.517,519). Jones's account of the practical administration of justice in the Later Empire provides by far the best available summary (LRE I.470-522).

I will conclude this brief sketch of the Roman legal achievement with a reference back to the statement by Friedrich von Woess which I quoted in III.iv above: the Roman state was a 'Klassenstaat', interested only in the upper classes; for the propertyless it 'couldn't care less' (PCBRR 518).

* * * * *

According to the Elder Pliny (in many ways one of the most attractive of all Latin writers), 'the one most outstanding of all peoples in the whole world in *virtus* is without doubt the Romans' (NH VII.130). It is an isolated remark, followed by some pessimistic reflections on happiness, *felicitas* – with, unfortunately, no explicit expression of opinion on how the Romans compared with other races in that respect. *Virtus* has a whole range of meanings in Latin: sometimes 'virtue' is a legitimate translation; sometimes the word will mean

particularly 'courage' or 'manly excellence'. Here I would be prepared to translate 'moral qualities'. Imperial powers – the British until recently, the Americans today – are easily able to fancy themselves morally superior to other peoples.

Romans often pretended that their empire had been acquired almost against their own will, by a series of defensive actions, which could be made to sound positively virtuous when they were represented as undertaken in defence of others, especially Rome's 'allies'. Thus according to Cicero, in whom we can often find the choicest expression of any given kind of Roman hypocrisy, it was in the course of 'defending their allies', *sociis defendendis*, that the Romans became 'masters of all lands' (*De rep.* III.23/35).⁵ The speaker in the dialogue, almost certainly Laelius (who often represents Cicero's own views),⁶ goes on to express opinions – basically similar to the theory of 'natural slavery' – according to which some peoples can actually benefit from being in a state of complete political subjection to another (cf. VII.ii below, with my ECAPS 18 and its n.52). Anyone innocent enough to be disposed to accept the view of Roman imperialism that I have just mentioned can best enlighten himself by reading Polybius, who was an intimate of some of the leading Romans of his day (roughly the second and third quarters of the second century B.C.) and well understood the Roman will to conquer the known world, even if in his mind it was more clear and definite than we perhaps have reason to believe. (I give the main Polybian passages in a note.)⁷

In fairness to Cicero, we must not fail to notice that on several occasions in his letters and speeches he shows a real awareness of the hatred Rome had aroused among many subject peoples by the oppression and exploitation to which she had exposed them: he speaks of *iniuriae*, *iniquitas*, *libidines*, *cupiditates*, *acerbitas* on the part of the leading Romans who had governed them (cf. Tac., *Ann.* I.2.2, and the passages cited in n.19 to Section v of this chapter).

But nearly all that I would have wished to say about Roman imperialism in the late Republic (and much more) has been admirably expressed by Brunt in an important recent article (LI), the purpose of which was 'to explore the conceptions of empire prevalent in Cicero's day'. I agree with Brunt that the Romans had managed to persuade themselves that their empire was 'universal and willed by the gods';⁸ and I particularly like his statements that 'the peculiar Roman conception of defensive war . . . covered the prevention and elimination of any potential menace to Roman power' (LI 179), and that Rome's 'reactions to the possibility of a threat resembled those of a nervous tiger, disturbed when feeding' (LI 177).

* * * * *

I do not wish to give the impression that the Romans were habitually the most cruel and ruthless of all ancient imperial powers. Which nation in antiquity has the best claim to that title I cannot say, as I do not know all the evidence. On the basis of such of the evidence as I do know, however, I can say that I know of only one people which felt able to assert that it actually had a divine command to exterminate whole populations among those it conquered: namely, Israel. Nowadays Christians, as well as Jews, seldom care to dwell upon the merciless ferocity of Yahweh, as revealed not by hostile sources but by the very literature they themselves regard as sacred. Indeed, they contrive as a rule to forget the

Republican lawyers. These were *iuris consulti*, i.e. lawyers who gave *responsa*, legal opinions, and advice when consulted by parties. Their sphere of interest was, therefore, inevitably limited, but questions on legacies were just the matters most frequently brought before them, since their clients mainly, if not exclusively, belonged to the *beati possidentes* [the rich]. In this respect the classical lawyers remained true to the Republican tradition. Absorbed in the spinning of their fine network, they not only neglected other issues which were of much greater importance, but they apparently failed to realise how complicated the law of legacies grew under their hands. The magnificent achievement of classical jurisprudence, here as elsewhere, was dearly purchased (CRL 314-15).

Later in the same book Schulz acknowledges that the Roman lawyers 'hardly touched upon those questions which seem vital to us' (CRL 545), such as the protection of workers, or of 'the poor lessees of flats or agricultural land'. (I have already referred, in IV.iii above, to the severity of the Roman law of leasing, *locatio conductio*.) But when Schulz says again that 'The lawyers wrote and worked for the class of the *beati possidentes* to which they themselves belonged and their social sense was ill developed' (ibid.), we may be tempted to comment that the 'social sense' of these lawyers was all too well developed: they were thinking, as we ought to expect, in terms of the interests of the class to which they themselves and their clients belonged. Law, indeed, has 'just as little an independent history as religion' (Marx and Engels, *German Ideology* I.iv.11, in MECW V.91).

One other feature of Roman law needs to be mentioned here: the discrimination on grounds of social status, based to a high degree upon distinctions of class in my sense, which I describe in VIII.i below. These manifested themselves chiefly, it is true, in the criminal field (where, as I have pointed out, Roman law remained a rather disreputable affair); but they also entered into the administration even of the *ius civile*, in the sense in which I am using that term, for instance by attaching greater weight to the evidence given by members of the upper classes. As I explain in VIII.i below, the inbuilt disposition of Roman law to respect and favour the propertied classes became more explicitly institutionalised during the Principate. Thus, as A. H. M. Jones has said, 'There was one law for the rich and another for the poor', 'although in the purely civil sphere 'it was not so much the law that was at fault, as the courts' (LRE I.517.519). Jones's account of the practical administration of justice in the Later Empire provides by far the best available summary (LRE I.470-522).

I will conclude this brief sketch of the Roman legal achievement with a reference back to the statement by Friedrich von Woess which I quoted in III.iv above: the Roman state was a 'Klassenstaat', interested only in the upper classes; for the propertyless it 'couldn't care less' (PCBRR 518).

★ ★ ★ ★ ★

According to the Elder Pliny (in many ways one of the most attractive of all Latin writers), 'the one most outstanding of all peoples in the whole world in *virtus* is without doubt the Romans' (NH VII.130). It is an isolated remark, followed by some pessimistic reflections on happiness, *felicitas* – with, unfortunately, no explicit expression of opinion on how the Romans compared with other races in that respect. *Virtus* has a whole range of meanings in Latin: sometimes 'virtue' is a legitimate translation; sometimes the word will mean

particularly 'courage' or 'manly excellence'. Here I would be prepared to translate 'moral qualities'. Imperial powers – the British until recently, the Americans today – are easily able to fancy themselves morally superior to other peoples.

Romans often pretended that their empire had been acquired almost against their own will, by a series of defensive actions, which could be made to sound positively virtuous when they were represented as undertaken in defence of others, especially Rome's 'allies'. Thus according to Cicero, in whom we can often find the choicest expression of any given kind of Roman hypocrisy, it was in the course of 'defending their allies', *sociis defendendis*, that the Romans became 'masters of all lands' (*De rep.* III.23/35).⁵ The speaker in the dialogue, almost certainly Laelius (who often represents Cicero's own views),⁶ goes on to express opinions – basically similar to the theory of 'natural slavery' – according to which some peoples can actually benefit from being in a state of complete political subjection to another (cf. VII.ii below, with my ECAPS 18 and its n.52). Anyone innocent enough to be disposed to accept the view of Roman imperialism that I have just mentioned can best enlighten himself by reading Polybius, who was an intimate of some of the leading Romans of his day (roughly the second and third quarters of the second century B.C.) and well understood the Roman will to conquer the known world, even if in his mind it was more clear and definite than we perhaps have reason to believe. (I give the main Polybian passages in a note.)⁷

In fairness to Cicero, we must not fail to notice that on several occasions in his letters and speeches he shows a real awareness of the hatred Rome had aroused among many subject peoples by the oppression and exploitation to which she had exposed them: he speaks of *iniuriae*, *iniquitas*, *libidines*, *cupiditates*, *acerbitas* on the part of the leading Romans who had governed them (cf. Tac., *Ann.* I.2.2, and the passages cited in n.19 to Section v of this chapter).

But nearly all that I would have wished to say about Roman imperialism in the late Republic (and much more) has been admirably expressed by Brunt in an important recent article (LI), the purpose of which was 'to explore the conceptions of empire prevalent in Cicero's day'. I agree with Brunt that the Romans had managed to persuade themselves that their empire was 'universal and willed by the gods';⁸ and I particularly like his statements that 'the peculiar Roman conception of defensive war . . . covered the prevention and elimination of any potential menace to Roman power' (LI 179), and that Rome's 'reactions to the possibility of a threat resembled those of a nervous tiger, disturbed when feeding' (LI 177).

★ ★ ★ ★ ★

I do not wish to give the impression that the Romans were habitually the most cruel and ruthless of all ancient imperial powers. Which nation in antiquity has the best claim to that title I cannot say, as I do not know all the evidence. On the basis of such of the evidence as I do know, however, I can say that I know of only one people which felt able to assert that it actually had a divine command to exterminate whole populations among those it conquered: namely, Israel. Nowadays Christians, as well as Jews, seldom care to dwell upon the merciless ferocity of Yahweh, as revealed not by hostile sources but by the very literature they themselves regard as sacred. Indeed, they contrive as a rule to forget the

very existence of this incriminating material.⁹ I feel I should mention, therefore, that there is little in pagan literature quite as morally revolting as the stories of the massacres allegedly¹⁰ carried out at Jericho, Ai, and Hazor, and of the Amorites and Amalekites, all not merely countenanced by Yahweh but strictly ordained by him. (See in general Deut. XX.16-17, cf. 10-15. For Jericho, see Josh. VI-VII, esp. VI.17-18, 21, 26; VII.1, 10-12, 15, 24-5; for Ai, VIII, esp. 2, 22-9; for Hazor, XI, esp. 11-14; for the Amorites, X, esp. 11, 12-14, 28-42; for the Amalekites, I Sam. xv, esp. 3, 8, 32-3.) The death penalty might be prescribed, as at Jericho, even for appropriating part of the spoil instead of destroying it: 'He that is taken with the accursed thing,' said Yahweh to Joshua, 'shall be burnt with fire, he and all that he hath' (Josh. VII.15); and when Achan transgressed, he and his sons and his daughters (not to mention his cattle and other possessions) were stoned to death and burnt (id. 24-5). When Yahweh, at the request of Joshua, was said to have prolonged a particular day, by making the sun and moon 'stand still', it was for no other purpose than that the people should 'avenge themselves upon their enemies', the Amorites (X.12-14); Yahweh even joined in the slaughter by 'casting down great stones from heaven upon them' (id. 11) – just as Apollo was believed to have saved his temple at Delphi from molestation by the Persians in 480, with thunder and lightning and earthquake (Hdts VIII.35-9). Joshua then reduced one Amorite city after another: he 'left none remaining, but utterly destroyed all that breathed, as the Lord God of Israel commanded' (Josh. X.40; cf. Deut. XX.16). And few narratives are more blood-curdling than that of the Prophet Samuel 'hewing Agag [the King of the Amalekites] in pieces before Yahweh in Gilgal' (I Sam. xv.32-3). The Midianites too, we are told, were mercilessly slaughtered: after the men had all been killed, Moses rebuked the Israelites for sparing the women; he only consented to let virgins live (Num. XXXI, esp. 14-18). The Greek and Roman gods could be cruel enough, in the traditions preserved by their worshippers, but at least their devotees did not seek to represent them as prescribing genocide.¹¹

The Gibeonites are shown as escaping total destruction by Israel only because they had previously deceived Joshua and the leading Israelites into making a sworn treaty to spare their lives, by pretending they came from afar (Josh. IX, esp. 15, 18, 20, 24, 26). Their fate was to be perpetual servants of the Israelites: their 'hewers of wood and drawers of water' (id. 21, 23, 27) – texts often quoted today as a Scriptural justification of *apartheid*.

The Romans, although refusing (like so many Greek cities) to recognise unions between their own citizens and foreigners as lawful marriages or their issue as Roman citizens, showed nothing like the ferocious hatred of such unions which we find in another revolting Old Testament story, that of Phineas, the grandson of Aaron, in Numbers XXV.1-15: he kills Zimri the Israelite and his Midianitish wife Cozbi, spearing the woman through the belly, and thereby earns the warm approval of Yahweh and the cessation of a plague that had caused 24,000 deaths.¹²

(ii)

'The conflict of the orders'

This is not the place for an outline history of Rome or even of the class struggle there; but (cf. Section i) I cannot avoid discussing some features of Roman

history. First, although the Greek world was very little Romanised in speech or culture, it was deeply influenced socially as well as politically by being brought within the Roman empire. I have already explained briefly (in V.iii; and see Appendix IV below) the political changes which came about by degrees after the Roman conquest of the various parts of the Greek world (on the whole continuing, but greatly intensifying, a process which had already begun under the Hellenistic kings), and I must not neglect to give a brief sociological analysis of the Roman community. And secondly, the class struggle in Rome itself presents some very interesting features, which may illuminate the Greek situation by contrast as well as by analogy. From the very beginning of the Roman Republic (the traditional date of which is 509/8 B.C.) we find what is in reality to a large extent a political class struggle, although not technically so (I shall explain this distinction in a moment): this is the so-called 'conflict of the orders', between Patricians and Plebeians. (This is one of the two main interlocked themes with which the historian of early Rome is obliged to concern himself, the other being of course the territorial expansion of the Roman state.) Historians are very far from having reached agreement on the origin and nature of the distinction between the two 'orders', and several very different theories have been put forward; but my own starting-point is a view of the origin of the differentiation between the orders not unlike one skilfully developed in 1969 by Bickerman:¹ the Patriciate arose from the holding of public office, and became in practice the hereditary privilege of those who, by the end of the Regal period that preceded the Republic, had been able to sustain membership of the Senate – increasingly in practice the ruling power in the Republic, although in theory it was only an advisory body and its decisions (*senatus consulta*) were never 'laws' as were those of the supreme Assembly, the *comitia populi Romani*. By the foundation of the Republic the Patricians had succeeded in becoming a closed 'order', a group in the state having a special constitutional position (involving a monopoly of office), one that it had arrogated to itself, not one originally created by any 'law'. This led to the emergence of the *plebs*, the Plebeians, consisting in principle of everyone who was not a Patrician: the 'first plebeian secession' and the creation of tribunes of the plebs (traditionally in 494) and of an Assembly of the collective plebs (the *concilium plebis*), presided over by their tribunes, mark the appearance of the Plebeians as an organised body. During the 'conflict of the orders', from 494 to 287 on the traditional chronology, the Plebeians gradually gained access to virtually all political offices and to the Senate, and in 287 the Lex Hortensia placed *plebiscita*, the decrees of the plebeian Assembly (*concilium plebis*), on an equal footing with the laws (*leges*) passed by the *comitia populi Romani*, the Assembly of the Roman People.

In what follows I can hardly avoid some over-simplification. The sources are notoriously defective and misleading. The modern literature is vast; but as the subject is only marginally relevant to the main theme of this book I shall hardly refer to any modern work except P. A. Brunt, *SCRR* = *Social Conflicts in the Roman Republic* (1971), which is perhaps the best brief introduction to Roman Republican history for the beginner. (The third chapter of that book, pp.42-59, is devoted to 'Plebeians versus Patricians, 509-287'.)

I have already described the 'conflict of the orders' very briefly in what I believe to be the correct technical terms before attempting to bring out its

underlying realities. It is only too easy for those who insist on accurate technical definition of the terms 'Patricians' and 'Plebeians' to say blandly that they have nothing to do with property or economic position, or class in my sense (as defined in II.ii above). Technically, this is quite correct: we are dealing here, not with 'classes' but with 'orders', juridically recognised categories of citizens. But of course the Patricians were able to gain access to, and ultimately to monopolise, political power at Rome because they were by and large the richest families – in the mainly agrarian society of early Rome, the largest landowners above all. (Here some of Bickerman's analogies from mediaeval European communes are useful, although some of the towns he refers to had a high proportion of wealthy merchants among their great men, as Rome never did.) The richer a family was, the more chance it would have, other things being equal, of gaining political influence. Of course not quite all the wealthiest families would acquire patrician status, and some of the families which did so may not have been among the very richest; but the equation, Patricians = largest landowners, must have been broadly true over all, and when a family did become patrician and thus gained access to the small circle that enjoyed political privilege, it would naturally have every opportunity to consolidate and improve its own position *vis-à-vis* Plebeians. The Patricians, of course, were always few in number: 'after 366 only twenty-one clans [*gentes*] are attested, of which some were tiny, and not more than another score before that date' (Brunt, SCRR 47). Some of the Patricians, however, had large numbers of humble plebeian 'clients' (*clientes*): men bound to them by personal ties involving obligations on both sides which it was considered impious to disregard. (I shall return in Section iii of this chapter to the enduring importance in Roman history, from the earliest times to the Later Empire, not so much of this particular institution alone as of the whole system of patronage of which the *clientela* in the strict and technical sense was the origin and the nucleus.) The Roman annalists of the Late Republic assumed that in the 'conflict of the orders' the Patricians received much support from their clients; and I accept this, as do most modern historians (see e.g. Brunt, SCRR 49).

The Plebeians were not at all, as on the whole the Patricians were, a homogeneous group. Their leaders were mainly rich men who could aspire to the highest positions in the state, even the consulship, and were interested mainly in gaining access to office and to the Senate (the *ius honorum*) and thus to political power and the chance of strengthening their own position. The rank-and-file had totally different objectives, which can be broadly summarised under three heads: (1) political, (2) juridical, and (3) economic. In (1) the political field they would normally support the aspirations of their leaders to state office, in the hope (vain, as events were to prove) that plebeian oligarchs would treat the mass of plebeians better than patrician oligarchs would. Their two main objectives in the political field, however, were very different: they wanted recognition of their own Assembly (the *concilium plebis*) as a supreme legislative body equal with the *comitia populi Romani*; and they wanted a strengthening of the powers of their own peculiar officers, above all those of their tribunes, about whom I shall have something to say in the next paragraph. In (2) the juridical field, they wanted the laws (and the rules of procedure, the *legis actiones* etc.), originally unwritten and locked up in the breasts of the patrician magistrates, to be published, as they were in c. 450, in the form of the 'Twelve Tables' (but the

legis actiones only in 304); and they wanted their right of appeal against legal decisions of a magistrate (the *provocatio*) affirmed, in the teeth of patrician opposition – laws on this point, according to the tradition, had to be re-enacted more than once. In (3) the economic field, which for the mass of the Plebeians was probably even more important than the other two, they wanted three things: relief from the very harsh Roman law of debt, involving enslavement of defaulters (cf. III.iv above); distributions of land, either in the form of colonies in conquered territory or *vitium* (by individual distributions); and finally a less oppressive enforcement of the obligation to perform military service, which remained a very serious burden right down to the last years of the Republic, as Brunt in particular has demonstrated in his *Italian Manpower* (esp. 391 ff.; cf. his SCRR 11-17, 66-8). Rome was continually at war, and the bulk of her army was Plebeian. (Marx noted that it was 'wars through which the Roman Patricians ruined the Plebeians, by compelling them to serve as soldiers, and which prevented them from reproducing their conditions of labour, and therefore made paupers of them': *Cap.* III.598-9.) The most effective weapon the Plebeians could use, therefore, as they realised from the very start, was the *secessio*, the strike against conscription: the sources refer to no fewer than five occasions when this weapon is said to have been used with effect, three of which (in 494, 449 and 287) are probably genuine.²

The tribunes (*tribuni plebis*) were a most extraordinary feature of the Roman constitution, demonstrating the deep conflict of interests inside the body politic. The first tribunes were created, according to the tradition, as a result of the earliest plebeian 'secession' in 494, when it was not so much that the Patricians accepted their existence (as a sort of anti-magistracy) and their inviolability (*sacrosanctitas*, later given legal recognition) as that the Plebeians took a collective oath to lynch anyone who attacked them! At first, one might say, they stood to official state magistrates almost as shop stewards to company directors; but gradually, although they never acquired the insignia and trappings of state magistrates, their position became more and more assimilated to that of 'magistrates of the Roman People' in almost all respects, except of course that they were drawn from Plebeian families only, and that they could not preside in the *comitia populi Romani* but only in the *concilium plebis* (see above). Their powers included the right of vetoing any act of the *comitia* or of a magistrate (*intercessio*); rescuing any Plebeian – later, any citizen – menaced by a magistrate (*ius auxilii ferendi*); and, as part of their right to exercise *coercitio*, the ability to arrest and imprison any magistrate, even the consuls themselves. The tribunes' power of veto extended to obstructing military levies; and on at least two occasions in the middle of the second century they went so far as to arrest and imprison consuls who persisted with a call-up – not only in 138 B.C., represented by Cicero as the first time such a thing had happened (*De leg.* III.20; cf. *Livy, Per.* 55), but also earlier, in 151 (*Livy, Per.* 48). It is worth mentioning that the tribunes' power to summon meetings was not limited to the *concilium plebis*: they also had the right to summon and preside over *contiones*, public meetings not designed (as were the *comitia* and *concilium plebis*) for legislation or official elections, but corresponding rather to the pre-election meetings of British political parties, or (it has been suggested) to the modern 'press conference'.³ This power of convening *contiones* was vitally important, because according to Roman constitutional law any

meeting not presided over by a magistrate (or a tribune) was an illegal assembly. No speeches or debates took place in an official assembly (*comitia* or *concilium plebis*), the business of which was confined to voting. Great importance might therefore attach to *contiones*, at which the people could be informed, for instance, about the nature of legislation about to be proposed by a tribune in the Assembly, and their reactions tested.

I have been trying to show that the conflict which was ended in theory in 287 was conducted, so to speak, on two levels. Formally, it was a struggle between the two 'orders'; but it was also in a very real political sense a class struggle, the participants in which were on the one side a fairly solid group consisting of a good proportion of the principal landowners and on the other side a much less unified collection of men with very different interests, but the great majority of whom were seeking to protect themselves against political oppression or economic exploitation or both. The political class struggle, however, was masked – as class struggles so often have been – by the fact that it was formally a struggle between 'orders', and was therefore led on the Plebeian side by men who were qualified to become members of the oligarchy in every respect save the purely technical, legal one, that they were not Patricians but Plebeians. It is legitimate to see the 'conflict of the orders' as involving a series of tacit bargains between the two different Plebeian groups: first, the leaders, who had no important economic grievances or demands and whose aims were purely political (and usually, no doubt, selfish), concerned with the removal of a strictly legal disqualification for offices which they were otherwise well qualified to hold; and secondly the mass of Plebeians, who hardly suffered at all as Plebeians, because the legal disqualifications of Plebeians as such were for posts the vast majority of them could not hope to fill in any event. Thus it was in the interest of each of the two main groups within the Plebeians to join with the other: the mass of the Plebeians would help their leaders to achieve office so that they might be more influential as their protectors, and the leaders would obtain the essential help of the masses for their own advancement by holding out the hope that they would ensure the fulfilment of their aspirations for an improvement in their condition. The 'conflict of the orders' was both a conflict between 'orders' and a class struggle, in which – exceptionally, as far as Roman history is concerned – the lower classes, or at least the upper section of the lower classes,⁴ played at times quite a vigorous part.

The historical tradition relating to the period of the 'conflict of the orders' is highly corrupt, and a great many of the elaborate details in the long accounts of Livy (down to 293 B.C.) and Dionysius of Halicarnassus (to 441 B.C.) must be fictitious; even the main features of the events they purport to record are sometimes open to grave suspicion. But there are several narratives which, even if they contain some fiction, are likely to give valuable clues about the nature of the 'conflict of the orders'. One in particular is most illuminating about the heterogeneous character of the plebs: this is Livy VI.39 (esp. §§ 1–2, 8–12), on the 'Licinio-Sextian rogations', revealing how different were the attitudes of Licinius and Sextius, the tribunes, who were mainly intent on gaining access to the consulship (still being denied to all Plebeians as such), and the mass of their followers, who were much more concerned about reforms of an economic character, dealing with land and debt. In fact Licinius and Sextius and their like

satisfied their political ambitions and entered the ruling class, whose outlook they soon came to share fully. However, it was then 'harder for the poor to find champions' (Brunt, *SCRR* 58), and their situation had to become acute before such champions were available once more and a fresh series of political conflicts could break out, from 133 B.C. onwards.

It is also salutary to read the accounts in Livy and Dionysius of the murder or judicial murder of a number of prominent political figures, whether Patrician or Plebeian, who were felt by the leading Patricians to be too sympathetic to Plebeian grievances: these accounts reveal that the Roman ruling class was prepared to kill without mercy anyone who seemed likely to prove himself a genuine popular leader and perhaps fulfil the role of a Greek tyrant of the progressive type (cf. V.i above). Such a man could be conveniently accused of aspiring to make himself king, *rex* – in the precise sense of the Greek *tyrannos*. Cicero was fond of mentioning three famous examples of such men who in the early Republic 'desired to seize *regnum* for themselves': Spurius Cassius, Spurius Maelius, and Marcus Manlius Capitolinus, whose traditional dates are 485, 439 and 384, and whose stories have recently been well re-examined by A. W. Lintott.⁵ We should remember, in this connection, that Cicero, for example in *Laelius* 40, also denounced Tiberius Gracchus for trying to seize *regnum* for himself and indeed 'for a few months' succeeding; and that the tribune C. Memmius, a *popularis* (see Section v of this chapter), could speak sarcastically in 111 B.C. of the restoration to the plebs of its proper rights as being in the eyes of his opponents a *regni paratio*, a plot to make oneself *rex* (Sall., *BJ* 31.8). Parts of the narratives concerning the three men I have mentioned may well be fictitious, a retrojection from the Late Republic, but I would accept the broad outlines; and in any event the attitude of Livy, Cicero and their like to these men is significant. It is indeed worth paying careful attention to the ruthless attitude of the Roman oligarchs to anyone they believed to be threatening their privileges – a posture which is treated most sympathetically by Livy and the other sources, and often apologised for by modern historians. To come out openly on the side of the unprivileged against the ruling oligarchy was a dangerous thing to do.

(iii)

The developed Republic

The result of the 'conflict of the orders' was to replace the originally patrician oligarchy by a patricio-plebeian oligarchy, differing very little in outlook and behaviour. It is a characteristic feature of exclusive oligarchies that their numbers tend to fall steadily (see the second paragraph of V.i above and its n.6 below), and the Roman Patricians were no exception to this rule. They remained technically an 'order', retaining a few minor constitutional rights as well as great social prestige, but the influential position of their members was now based rather upon the wealth which most of them possessed than upon their status as Patricians, which in itself gave them few political privileges. Even at this stage, however, we can observe a phenomenon which is noticeable throughout Roman history: the governing class, although it grudgingly consented to a gradual broadening of its basis, somehow managed to remain very much the same in character. The patrician oligarchy became patricio-plebeian: by the

early second century B.C. the Senate was already predominantly plebeian – and of course it was the Senate (as I indicated in the first paragraph of the preceding section) which was in practice the ‘government’ of Rome: its members were men who had originally been elected to state office, and they all had life-tenure. The exaggerated respect which men of great distinction always enjoyed at Rome was manifest in the very procedure of the Senate, where debates were dominated by those of consular status (consuls and ex-consuls). The oligarchy thus remained very much an oligarchy, even though a handful of ‘new men’ did gain admission to its ranks, usually because they either had outstanding oratorical ability, like Cicero, or because they enjoyed the patronage of leading members of the oligarchy.

After the end of the ‘conflict of the orders’ and the disappearance of most of the specifically patrician privileges, a new concept slowly emerged: that of *nobilitas*, ‘nobility’. The *nobiles*, unlike the Patricians, were never strictly an ‘order’ in the modern sense, a juridical class (that is to say, they never enjoyed any constitutional privileges in virtue of their *nobilitas*); but they were a well-recognised social class, and their combined political influence was so great that in practice they could make it difficult for anyone else to hold the highest office, the consulate. The precise definition of a *nobilis* has been much disputed, and I am not satisfied that even now the problem has been completely resolved: we must take into account the fact that there was no strict ‘legal’ or ‘constitutional’ definition and that our surviving literary sources often have a private axe to grind. Most historians now seem to accept the view of Matthias Gelzer, first published in 1912, that in the Late Republic the term *nobiles* included only consular families – descendants of consuls, men who had held the consulship.¹ The exclusiveness of the nobility is expressed (with some exaggeration) in a much-quoted passage by Sallust: they handed on the consulship, he says, from one to the other (*consulatum nobilitas inter se per manus tradebat*: BJ 63.6; cf. Cat. 23.6).

Now senators became such in virtue of having been elected to state office – from about 80 B.C. onwards, the office of quaestor. They therefore owed their position indirectly to popular election, even if the Assembly which elected them, the *comitia centuriata*, was dominated by the wealthy (see below and n.9). Once they had become senators, they held their dignity for life, and of course they were often able to advance their sons (provided they did not have too many) to the position they themselves had held; but membership of the Senate was never *legally* hereditary during the Republic, nor did the families of senators yet enjoy any special legal rights. Before the law, in all important respects, all citizens were in theory equal. (There was much less juridical equality in practice.) During the last century of the Republic we find a new social group emerging and becoming very prominent: the equestrians (*equites*, or *equester ordo*). I must not take time to trace the curious evolution of this body, originally the citizen cavalry (for *eques* means literally ‘horseman’; hence the common translation, ‘knights’), in later times specially associated with state contracts and above all the farming of taxes, and from the time of Gaius Gracchus (B.C. 123–122) onwards given one special constitutional function and one only: that of providing at first all, and later some, of the *iudices* or commissioners of the *quaestiones*, the standing tribunals which judged certain important cases (both criminal and civil, according to our classification) in the Late Republic. The

qualification for membership of this class (the equestrians) was a financial one: the possession of property of a certain minimum value – in the last years of the Republic and in the Principate, HS 400,000. (The senators, on the average, were of course even richer than the equestrians, but during the Republic, strangely enough, there seems not to have been in theory a still higher financial qualification for becoming a senator.) Like the senators, the equestrians enjoyed certain *social* privileges: wearing the gold ring, sitting in special seats at the theatre. But, apart from the additional ‘weighting’ given to their votes in the *comitia centuriata* by their exclusive possession of no fewer than eighteen centuries, their only *political* privilege (an important but strictly limited one) was serving as commissioners on the *quaestiones*. Before the courts of law they, like the senators, were not in theory in a better position than the ordinary citizen. And their families had no privileges at all; nor was equestrian status hereditary, in theory, although of course in practice the property which gave access to the *ordo equester* tended to pass from father to son, and if there was only one son his chances of succeeding to his father’s rank would be high.²

For some reason I find it hard to understand, a great deal of fuss has been made by some modern scholars about alleged important conflict between senators and equestrians as such. Occasionally the two orders might come into conflict temporarily: above all, the composition of the *quaestiones* was a matter of contention between them c. 122–70 B.C. Yet the famous remark attributed to Gaius Gracchus by Cicero (*De leg.* III.20), to the effect that in giving the *quaestiones* to the equestrians he had ‘thrown daggers into the forum’, is – as Badian has rightly said – ‘obviously (if genuine) a rhetorical exaggeration’ (PS 65). Again, late in 61 B.C. the Senate at first refused to grant the request of the *publicani* (the leading section of the equestrians) for a considerable reduction of the amount they were liable to pay under the contract by which they had secured the right to collect the tithes of the rich province of Asia.³ But even on that occasion the disagreement was only temporary: to quote Badian again, ‘The affair of the Asian contract did not cause a split between the Senate and the *publicani*’ (PS 112). In reality no long-lasting or deep-seated hostility ever developed between Senate and *equester ordo*. I entirely agree with the opinion of Brunt, in his excellent paper on the Equites in the late Republic, first published in 1965,⁴ which opens with the words ‘A conspicuous feature of politics in the late Republic is the discord between Senate and Equites’ but in the same paragraph decides that ‘It might seem that there was more to unite the orders than to divide them. In fact the area of conflict was in my view more restricted than is often supposed. The Equites [in the broad sense] did not constitute an united pressure group with economic interests opposed to those of the Senate; it is only the publicans who can at times be seen in this light. Moreover the disputes that occurred . . . died away precisely in the crucial period, the age of Pompey and Caesar’ (ELR 117–18 = CRR, ed. R. Seager, 83–4). This, of course, is precisely what we ought to expect, if we take a Marxist view and regard class struggle as the really fundamental kind of antagonism in society, for on this view senators and equestrians cannot be regarded as two different classes, and therefore no class struggle could develop between them. In fact the two groups were very homogeneous: the equestrians, although on the whole less rich than the senators, were essentially those among the very rich Romans who did not

aspire (or had not yet aspired) to a career in politics, involving the holding of magistracies. Three good examples of leading members of the *equester ordo* who openly preferred the career open to equestrians, with its virtual certainty of large profits, to the more risky advantages of a political career as senators are T. Pomponius Atticus, the lifelong friend of Cicero; C. Maecenas, the friend of Augustus and patron of literary men; and M. Annaeus Mela, the brother of Seneca and Gallio and father of the poet Lucan.⁵ Against the old view of the equestrians as primarily 'business men', it has been demonstrated beyond doubt by Brunt, Nicolet and others that, like senators, they were essentially land-owners, who might make large profits out of finance and moneylending (not 'trade': they hardly ever appear in the role of merchants) but would normally invest those profits in land (see n.4 again). The allegedly rooted opposition between senators and equestrians is a myth developed by historians in modern times on the basis of a few ancient texts which provide far too flimsy a basis. Compared with the fundamental opposition of interest between landowners and financiers (the latter virtually always also landowners) on the one hand, and peasants and artisans (not to mention slaves) on the other, the internal squabbles within the dominant class, whether between senators and equestrians or between other groups, could be no more than superficial disagreements about the division of the spoil of the world.

Senators and equestrians, then, were the two orders, *ordines*. When it is used in a strict and full political sense, the term *ordo*,⁶ in the late Republic, commonly denotes only the *ordo senatorius* and the *ordo equester*. We hear of 'uterque ordo', each of the two orders; and when Cicero speaks of the *concordia ordinum*,⁷ or harmony of the orders, as his political ideal, he means simply senators and equestrians. In our terminology the *plebs* was an 'order' in the early Republic, as against the Patricians, but the supposed '*ordo plebeius*' seems not to have been an expression that was ever used in the Late Republic. (The word '*ordo*', however, is sometimes used more loosely and applied, for example, not only to *scribae* and *praefones* but even to freedmen, ploughmen, graziers, or merchants.)

Rome, of course, was never a democracy or anything like it. There were certainly some democratic elements in the Roman constitution, but the oligarchic elements were in practice much stronger, and the overall character of the constitution was strongly oligarchical. The poorer classes at Rome made fatal mistakes: they failed to follow the example of the poorer citizens in so many of the Greek states and demand an extension and improvement of political rights which might create a more democratic society, at a time when the Roman state was still small enough to make a democracy of *polis*-type (if I may call it that) a practical possibility. Above all, they failed to obtain (probably even to demand) a fundamental change in the very unsatisfactory nature and procedure of the sovereign Assemblies, the *comitia centuriata* and *comitia tributa* (*concilium plebis*).⁸ These allowed no debate (see the preceding section of this chapter); they were subject to all kinds of manipulation by the leading men, and they employed a system of group voting, which in the case of the centuriate Assembly (the most important one) was heavily weighted in favour of the wealthy, although apparently rather less so after a reform in the second half of the third century B.C.⁹ Instead of working towards thoroughgoing constitutional reforms, the Roman lower classes tended to look for, and put all their trust in, leaders whom they

believed to be, so to speak, 'on their side' – men who in the Late Republic were called *populares* (*dēmotikoi* in Greek) – and to try to put them in positions of power. One explanation of this failure, I believe, was the existence at Rome, in a whole series of insidious forms, of the institution of patronage and clientship, from which most of the Greek cities (Athens especially) seem to have been largely free, but which played a very important part in Roman social and political life, and which came gradually to pervade the Greek world after it had been brought under Roman rule. I have discussed the subject in outline, right through to the Later Empire, in SVP = 'Suffragium: from vote to patronage', in the *British Journal of Sociology* 5 (1954) 33–48,¹⁰ and I shall have something more to say about it in Section v of this chapter; but it is necessary to explain a few matters here, in order to clarify the role played by patronage in the class struggle.

Patronage in Roman society took many forms. Those not already well acquainted with the subject will find a good summary of them by A. Momigliano in *OCD*² 791, s.v. 'Patronus' (and see 252, s.v. 'Cliens'). From the earliest times until the Later Empire we hear of formal clientship, the *clientela*, a social institution very difficult to describe accurately. It first appears among the so-called 'Laws of the Kings' (*leges regiae*), its foundation being attributed to Romulus by Dionysius of Halicarnassus (*Ant. Rom.* II.9–10); and we find it referred to in two of the surviving laws in the *Twelve Tables* of 451–450 B.C., one section of which provides that a patron who acts fraudulently towards his client is to be 'accursed' (VIII.21: *sacer esto*).¹¹ Cicero could say that the Plebeians were originally clients of the Patricians (*De rep.* II.16),¹² and doubtless many of them were – if so, this would have been a complicating factor in the 'conflict of the orders', for of course the very existence of the *clientela*, in its complete form, tended to make the *clientes* dependent upon and subservient to their *patroni*. One special form of the *clientela* became, from its very nature, most strictly formulated, and it alone is the subject of frequent attention in the Roman law-books: this was the relationship of the freedman to his former master, who became his *patronus* and to whom he owed a whole series of obligations. Other forms of clientship and patronage could be ill-defined, and my own feeling is that the nature of the bond might differ widely in individual cases. It could be very strong: as late as the end of the fourth century of the Christian era we hear from Ammianus that the vastly rich praetorian prefect, Sextus Petronius Probus, 'although he was magnanimous enough never actually to order a *client* or slave of his to do anything illegal, yet if he found that one of them had committed a crime, he defended the man in defiance of justice and without any investigation or regard for what was right and honourable' (XXVII.xi.4).

There is a significant parallel in the field of foreign affairs. Rome acquired by degrees a number of what are often called nowadays 'client states'; and many modern writers have believed that the Romans conceived their relationship to them in terms of their age-old institution of *patrocinium* and *clientela* – although, as Momigliano has said, 'It is a controversial point whether the relations of certain vanquished states with Rome are to be described as clientship' (*OCD*² 252); and of course the terms actually used to describe that relationship would normally be 'friends', 'allies', 'treaty-partners' (*amici, socii, foederati*). Sherwin-White has rightly observed that 'To speak of "client states" is to use a metaphor. It is not a term of international law for the Romans. There are in fact no client states'.

although 'clientship and patronage came to form the background of the Roman attitude towards them' (RC² 188).¹³ As a matter of fact, when Sherwin-White himself tries to illustrate what he sees as an explicit declaration of the doctrine of the relationship of Rome to her allies as a form of *clientela* (RC² 187-8), the word used by the Roman Senate (in 167 B.C.) is not in fact *clientela* but a quite different metaphor: *tutela*, the term used by Roman lawyers for the 'guardianship' of minors and women (Livy XLV.18.2). There is, however, at least one case in which the words *patrocinium* and *clientela* are used (or represented as being used) by a leading Greek state to describe its relationship to Rome. In Livy (whose source is doubtless Polybius), the ambassadors from Rhodes in 190 B.C., after speaking of their country's *amicitia* with Rome, and her having undertaken the preservation of their *libertas* against royal domination, go on to speak of Rome's *patrocinium* over them and of their having been received into the *fides* and *clientela* of the Romans (XXXVII.liv.3, 15-17). I must add that it was by no means only the Roman state as such and some of its subjects that developed relationships to which the metaphor of clientship might be thought appropriate: individual Romans, especially conquering generals, became hereditary *patroni* of cities and even whole countries which they had captured or benefited – for example, traditionally Fabricius Luscinus (from 278 B.C.) of all the Samnites, and certainly M. Claudius Marcellus (from 210 B.C.) of the whole of Sicily.¹⁴

I believe that the existence in Roman society of forms of patronage and clientship with very deep roots had great political as well as social consequences. Even during the Republic, when political activity by the lower classes was still possible in some degree, many individuals, out of obedience to their patrons or in deference to their known attitude, must have been diverted from participating actively in political class struggle, and even induced to take part on the side of those having interests directly opposed to their own. One of the proverbs in the collection of Publilius Syrus,^{14a} a late Republican, declares that 'To accept a favour [*beneficium*] is to sell one's freedom' (61); and another asserts that 'To ask a favour [*an officium*] is a form of servitude' (641)! Under the Principate, as we shall see in the last two sections of this chapter, such political influence as the lower classes had had soon largely disappeared, and the ways in which patronage could be valuable to a great man changed. With the virtual cessation of election from below, and indeed the gradual drying up of all initiative from below, as political authority became concentrated in the hands of the Emperor, the new role of patronage assumed great importance, above all through the dignity and influence it brought to the patron, through his ability to recommend – and often make sure of procuring appointment – to all sorts of posts that could be both honorific and lucrative (see Sections v and vi of this chapter). And the *venale suffragium* (purchased patronage) which the emperors vainly attempted to suppress (see Section v) surely derived part of its tenacity from the fact that it was a natural development from that *suffragium* – that patronage – which a patron would give gratis to his client. I demonstrate in Section v, from a very revealing passage in Tacitus (*Ann.* I.75.1-2), that for the great men of the early Principate the absolutely unfettered exercise of their patronage rights, for good or ill, was an essential ingredient in *libertas* itself.

It would be easy to discount the pervasive influence of patronage and clientship if we were to notice only the relatively rare occasions on which it is specifically

mentioned as such, with the characters concerned actually referred to as 'patroni' and 'clientes' or the use of the technical terms 'patrocinium' and 'clientela'. There were in fact many situations where a relationship which was in reality that of patron and client in some form would not be so called, for fear of giving offence. In Section v of this chapter I explain that a real gentleman would expect to be called his patron's 'friend' (*amicus*), not his 'client', even if that patron was the emperor himself. We know of innumerable occasions from the late Republic onwards when great men busied themselves in the interests of those in a less substantial position than themselves, above all in writing letters of recommendation on their behalf. Many such letters speak of the man recommended as an 'amicus'; very few say anything that enables us to tell whether he was technically a 'clients' – and it hardly matters. The very humble Egyptian, Harpocras, for instance, on whose behalf as many as four letters passed between Pliny and Trajan (see my SVP 41 and n.5): was he a formal client of Pliny's? Again, does it matter? What does seem clear is that patronage was capable of extension well beyond the circle of those who were technically clients, and that patronage in this extended sense increased rather than lessened in importance in the Principate and the Later Empire. In IV.ii above (and see its n.42 below) I have briefly described two forms of rural patronage which are visible in the fourth and fifth centuries, one of them in Syria and Egypt and the other in Gaul. Here again we see the institution manifesting itself in new forms. A price always had to be paid for it, but in Syria particularly we see villagers turning the practice to their own advantage and using it as a weapon of class struggle, if an expensive one.

* * * * *

I shall resist the temptation to expatiate at length on one particularly fascinating subject: the manipulation of the Roman state religion by the ruling class in such a way as to procure political advantage. If I may be allowed to quote what I have already written elsewhere (RRW 69):

The Greek historian, Polybius, writing in the late second century B.C., speaks admiringly of the Roman attitude in religious matters (VI.lvi.7-12). But when he gets down to details he says that what maintains the cohesion of the Roman commonwealth most of all is *deisidaimonia*, the Greek word which is normally used (as by Plutarch, *Mor.* 377f-8a; cf. 164e-71f) as the equivalent of the Latin *superstitio* or our 'superstition', and is employed in general in a derogatory sense. (The way Polybius introduces it here shows that he realised this.) Perhaps we would do best to translate it here as 'fear of the supernatural'. At any rate, Polybius approves the deliberate utilisation of this fear, explicitly in order to control the masses. The Roman upper classes shared Polybius' low opinion of the common people and felt no compunction at all about using religion in the service of politics and government: this was taken for granted as a necessity by many writers, including Cicero, Livy, Seneca, and above all the great authority on Roman religion, Varro, against whom St. Augustine later delivered a devastating polemic.¹⁵

A religious weapon that could be held in reserve for an extreme emergency was the use of the auspices (*auspicia*), which might be employed to invalidate the election of some magistrate disliked by the oligarchy,¹⁶ or to put an end to popular Assemblies that were about to pass legislation objectionable to the oligarchy (especially of course agrarian reforms), or to annul such legislation retrospectively.¹⁷ It was surely of such powers that C. Memmius was thinking,

when in his tribunate in 111 he spoke of all things at Rome, 'divine as well as human', as having been under the control of a few (Sall., *BJ* 31.20: *divina et humana omnia penes paucos erant*). Let us note the value placed upon the auspices by that most articulate of all members of the Roman governing class, Cicero. For him, in speech after speech, the *leges Aelia et Fufia*, which facilitated the use and abuse of the auspices in the interests of the governing class, were 'laws of the greatest sanctity'; they were 'very beneficial to the state', 'bulwarks and walls of tranquillity and security'; they were 'the firmest bastions of the state against the frenzy of the tribunes', which they had 'often hampered and restrained'; and as for their repeal in 58, by a law promoted by Cicero's enemy Clodius, 'is there anyone who does not realise that by this one bill the entire State has been subverted?'.¹⁸ In one of his so-called 'philosophical' works, containing legislation for his ideal state, Cicero is insistent that his magistrates should have the auspices, so that plausible methods may exist of hindering unprofitable assemblies of the people; and he adds, 'For the immortal gods have often restrained, by means of the auspices, the unjust impetuosity of the people!' (*De leg.* III.27). It was through the auspices that the oligarchs may have felt they had the immortal gods most effectively in their pockets.

(iv)

The Roman conquest of the Greek world

At this point I propose to give a very brief account of the way in which nearly the whole of the Greek world was incorporated into the Roman empire. Later in this chapter I shall return to Rome itself and give a short sketch of the developments in Roman society from the Late Republic onwards.

In just under a century and a half after the end of the 'conflict of the orders' Rome acquired a large part of the Mediterranean world. Of the Greek area, Rome took over Sicily first: it became, in Cato's words, 'the granary of the state, the nurse of the *plebs Romana*' (Cic., *II Verr.* ii.5). Over Macedon and Greece itself Rome established control in the early second century, although Macedon was not formally annexed as a province until 146 B.C., and for another century or more most of the cities of mainland Greece were in theory free; Greece was perhaps not organised as a separate province (called Achaia) until 27 B.C., but remained until then what we might call a Roman 'protectorate'. Rome's conquest of Macedon and Old Greece has been described over and over again,¹ and I have nothing new to say about it. Rome's treatment of the Greeks was usually rather less cruel and ruthless than of other peoples she conquered; but in 167 a vast number of Epirots (150,000, according to Livy) were enslaved by L. Aemilius Paullus, in pursuance of official senatorial policy;² and in 146 Corinth was pillaged and destroyed by L. Mummius. As I have explained in V.iii above (and Appendix IV, § 2 below), Rome made sure that Greece was kept 'quiet' and friendly to her by ensuring that the cities were controlled by the wealthy class, which now had mainly given up any idea of resistance to Roman rule and in fact seems to have welcomed it for the most part, as an insurance against popular movements from below. The extent of Roman interference in Greece at this time cannot be estimated, as there is so little evidence. In V.iii above I have referred to one single inscription which happens to have survived, from the little

Achaean town of Dyme, as showing what could happen if there were any revolutionary movement from below; the action taken by Rome on that occasion may have been only one of a series of such interventions, or it may have been an isolated case and such action may rarely have been 'necessary'. At any rate, the Roman governor of Macedonia could evidently intervene anywhere in Greece when there was a threat to the Roman-backed order.

The remainder of the Greek world came under Roman rule by stages (which there is no need to specify in detail here), beginning with the rich and important Attalid kingdom in north-west Asia Minor, centred at Pergamum, which was bequeathed to Rome by the will of its last king, Attalus III (who died in 133 B.C.), and was organised as a province in 129, after a major revolt, led by one Aristonicus, about which we are badly informed, but which seems to have developed (however it may have begun) into a class war by many of the poor and underprivileged, including serfs and slaves, against the Romans and the upper classes of the prosperous Greek cities of the area (see Appendix IV below, § 3 *init.*). There was another anti-Roman outbreak in Asia in 88 B.C., instigated by Mithridates VI of Pontus, when a large number of Romans and Italians in the province were massacred – 80,000 according to two of our sources, 150,000 according to Plutarch, who was probably using Sulla's Memoirs; but even the lower figure must be vastly exaggerated.³ Rome then gradually absorbed by degrees the remaining western and southern coastal areas of Asia Minor (in which the Greek cities of Asia were concentrated), also Cyrenaica, Crete, Syria and Cyprus, and finally (in 30 B.C.) Egypt, which had been a Hellenistic kingdom ever since its conquest by Alexander the Great in 332. Although the Roman take-over of Asia Minor and the other areas just mentioned did not involve any major war of conquest after 129 B.C., Rome's wars against Mithridates VI (between 88 and 65) and her own civil wars (especially between 49 and 31) resulted in a series of exactions in which the cities were forced to pay over enormous sums, even apart from the regular taxation, and to supply naval and military forces. As Broughton has said, 'The Roman Republic had exploited in peace and pillaged in war the human and material resources of the eastern provinces until all their available reserves were exhausted.'⁴ Sheer rapacity as a factor in Rome's expansion has recently been re-emphasised by W. V. Harris and by M. H. Crawford, both reacting against a tendency in modern times to play down this aspect of Roman imperialism.⁵

I shall have nothing to say here of the further conquests made by Rome during the Principate and Later Empire; but of course cities founded by Alexander and his successors which were at least in some respects 'Greek', east of Syria and the upper Euphrates (the eastern frontier of the Roman empire under Augustus) and as far east as the Tigris, came into the Roman empire and went out of it again, according to whether Rome ruled the district in which they were situated, forming at times parts of Roman provinces named Mesopotamia, Armenia, Osrhoene, Assyria.⁶

Since attention has so often been focussed upon the exploitation by the Athenians in the fifth century B.C. of the subject states of their 'empire', it will be useful for us to remind ourselves that the exploitation of the Roman empire was on an entirely different scale of magnitude. (For the latter, I need do no more than refer to the facts given succinctly in Jones, *RE* 114 ff., and Badian,

RILR², especially chapter vi.) Whether or not the original tribute of the so-called Delian League (which became the Athenian 'empire') was 460 talents, the figure given by Thucydides (I.96.2), it seems to have been running at less than 400 talents a year in the period immediately before the Peloponnesian war of 431-404 (see the notes on M/L 39, at its pp.87-8), although of course it was greatly increased in 425, almost certainly to a theoretical figure of over 1,400 talents (see M/L 69). Scores of city-states in the Aegean area were involved. Now we happen to know from a letter of Cicero's (*Ad Att.* V.xxi.7), written during his proconsulship of the province of Cilicia with Cyprus in 51-50 B.C., that his predecessors had been in the habit of exacting no less a sum than 200 talents a year (equivalent to HS 4,800,000) from the municipalities of Cyprus alone (not at that time a particularly rich area, and only a minor part of the combined province) as a personal bribe, in return for graciously giving exemption from the liability to billet soldiers. This exaction was of course an additional burden on the Cypriots, over and above the official tribute they had to pay to the Roman state. I do not know how common it was for governors to exact payment from cities in return for exemption from billeting, but there is certainly evidence for the practice in Cyrenaica in the early years of the fifth century, some four hundred and fifty years after Cicero's day: see Synesius, *Ep.* CXXX, ed. R. Hercher, *Epistologr. Graeci*, 1873 (= CXXXIX* in MPG LXVI.1512BC).

Provincial governors, then, must sometimes have done very well for themselves and profited greatly, in cash and in kind, out of illegal (or at least unauthorised) exactions, even if no one else equalled the enormous sum which, according to Cicero (*I Verr.* 56), Verres extorted from Sicily during his governorship there in 73-71 B.C., amounting to no less than HS 40 million (or over 1,600 talents). Tax-farmers might also make large profits – although probably as a rule on an altogether lower scale: as Badian has said, 'The exactions of the *publicani* would become bearable under good governors, intolerable only under bad' (*PS* 113). Too many modern writers have failed to distinguish the *illegal* exactions I have referred to from the sums which governors ordinarily expected to make out of the money which passed through their hands *legally* in the course of their ordinary administration. Certainly, they (and their quaestors) had to account, though only at the end of their terms of office, for what they had received and spent; but – at any rate before Julius Caesar's *Lex Julia* of 59 B.C. – accounts could evidently be absurdly brief, for Cicero quotes in one of his speeches against Verres the official record of the accounts handed in by Verres in respect of his quaestorship in 84 B.C., when he was attached to the consul Cn. Papirius Carbo in Picenum:

I received HS 2,235,417. I spent on army pay, corn, legates, the proquaestor and the praetorian cohort HS 1,635,417. I left at Ariminum HS 600,000. The account rendered to P. Lentulus and L. Triarius, urban quaestors, in accordance with the decree of the Senate (*Cic., II. Verr.* i.36-7).

If I may continue with a quotation from what I have already written elsewhere –

It is true that this account was handed in during a confused and revolutionary period, and that Cicero inveighs bitterly against the extraordinary impudence of a man who could hand in accounts as brief as this – 'Is this rendering accounts? Did you or I, Hortensius, or anyone else ever submit accounts in this fashion? What have we here?

What impertinence! What audacity! What parallel is there for this among all the accounts that have ever been rendered?' Nevertheless, some thirteen or fourteen years had passed, and Verres' accounts had evidently been accepted (*GRA* 46).

We need feel no surprise at all, then, when we find that Cicero, who boasts so often of his own rectitude and would have been careful not to do anything actually illegal during his proconsulship of Cilicia, makes it clear in his correspondence that he himself derived from his governorship a personal profit of no less than HS 2,200,000 (his own figure, in *Ad fam.* V.xx.9; *Ad Att.* XI.i.2), or a little over 90 talents. He himself describes this profit, no doubt quite correctly, as made 'legitimately' ('salvis legibus', *Ad fam.* V.xx.9). He had even incurred the resentment of his staff ('ingemuit nostra cohors'), by paying back into the Treasury another HS 1,000,000 which they felt ought to have been divided among them (*Ad Att.* VII.i.6).

★ ★ ★ ★ ★

The Roman state itself, as such, did not profit very much from the taxation of most of its provinces, in the Late Republic and Early Principate (cf. Section v of this chapter), and perhaps only Asia and Sicily produced a really handsome surplus, if military and administrative expenditure is set off against tribute. But here one is reminded of some penetrating statements made by Marx about British rule in India, in one of the series of remarkable papers which he and Engels wrote for the *New York Daily Tribune* between 1851 and 1862, when Marx was London Correspondent of that paper – there were nearly 500 articles in all (McLellan, *KMLT* 285-7). The paper I have in mind was printed as a leading article in the issue of 21 September 1857. (Until it appears in due course in *MECW*, it can be read in *Karl Marx on Colonialism and Modernization*, ed. Shlomo Avineri [New York, 1968, 1969] 235-9.) What Marx says here about the way the British profited from India applies to a less extent to Rome's rule over much of her empire:

The present state of affairs in Asia suggests the inquiry, What is the real value of their Indian dominion to the British nation and people? Directly, that is in the shape of tribute, or surplus of Indian receipts over Indian expenditures, nothing whatever reaches the British Treasury. On the contrary, the annual outgo is very large . . . The British Government has been at the expense, for years past, of transporting to and from and keeping up in India, in addition to the forces, native and European, of the East India Company, a standing army of 30,000 men. Such being the case, it is evident that the advantage to Great Britain from her Indian Empire must be limited to the profits and benefits which accrue to individual British subjects. These profits and benefits, it must be confessed, are very considerable.

Marx goes on to specify the individual beneficiaries and the amounts they received: apart from the stockholders in the East India Company, doctors, retired pensioners, and various ecclesiastical figures (bishops and chaplains), to whom of course there were no corresponding Romans, there were in India numerous British civil servants and military officers, not to mention 'other European residents in India to the number of 6,000 or more, employed in trade or private speculation'. And Marx concludes,

It is thus evident that individuals gain largely by the English connection with India, and of course their gain goes to increase the sum of the national wealth. But against all this

a very large offset is to be made. The military and naval expenses paid out of the pockets of the people of England on Indian account have been constantly increasing with the extent of the Indian dominion. To this must be added the expense of Burmese, Afghan, Chinese and Persian wars. In fact, the whole cost of the late Russian war may fairly be charged to the Indian account, since the fear and dread of Russia, which led to that war, grew entirely out of jealousy as to her designs on India. Add to this the career of endless conquest and perpetual aggression in which the English are involved by the possession of India, and it may well be doubted whether, on the whole, this dominion does not threaten to cost quite as much as it can ever be expected to come to.

* * * * *

Cults of the City of Rome, in the form of the goddess Roma (a Greek invention, of course) or festivals called *Romaia*, were set up in many Greek cities, especially in Asia Minor, for much the same reasons as the numerous cults of Hellenistic kings⁷ and of other benefactors (cf. Section vi of this chapter) – sometimes in the hope of future benefits, or from sheer apprehension, sometimes out of genuine gratitude or goodwill. The earliest known of these cults, instituted at Smyrna in 195 (see Tac., *Ann.* IV.56.1), involved not merely a cult statue but an actual temple: it was a clear ‘appeal for intervention and protection’.⁸ Cults of individual Roman generals and proconsuls began at the same time in Greece itself, with Flamininus⁹ (cf. Appendix IV below, § 2), and eventually became very common all over the Greek world: even the infamous Verres had his festival, the *Verria*, at Syracuse (Cic., *II Verr.* ii.51–2, 114, 154; iv.24, 151).

A few Greek cities lying to the east of the Mediterranean area were either absorbed into the Roman empire when the districts in which they were situated were made into Roman provinces during the Principate, or else they remained outside the empire altogether, or for long periods. Most of those which entered the Roman empire not at all or only for short periods were usually under the suzerainty of the Parthian empire and the Persian (Sassanid) empire which succeeded it in A.D. 224;¹⁰ but some, like Edessa, came under native dynasts.¹¹ A certain amount of historical evidence is available about a few of these eastern Greek cities, notably Dura Europus on the Euphrates, a Macedonian foundation where the upper class long remained Greek in a real sense, although the language generally spoken there was evidently the native Aramaic and Syriac and the lower classes must have been more Syrian than Greek.¹² But for my purposes there is so little evidence that I shall henceforth mainly ignore those eastern Greek cities which were not permanently absorbed into the Roman empire (see, however, Appendix IV below, § 7).

I can do no more than just mention here one very interesting and fruitful feature of Rome’s ultimate policy towards Greek cities (and other states) which she absorbed: her adoption of the principle of ‘dual citizenship’ (as it is sometimes called), allowing a man to be a citizen both of Rome and of one or more of her subject communities. This process has recently been elucidated, notably by A. N. Sherwin-White (*RC*²).¹³ As late as the second quarter of the last century B.C., Cicero’s friend and correspondent T. Pomponius Atticus felt unable to accept the citizenship of Athens when it was offered to him, because he believed that this would involve the loss of his Roman citizenship (*Nepos, Vita Attic.* 3.1). A similar view is expressed in two speeches by Cicero, dating respectively from 69 and 56 B.C.: *Pro Caecina* 100, and *Pro Balbo* 28–31; the latter (§ 30) shows

that some other Romans had not been as cautious as Atticus. However, by a development of the peculiar Roman notion of *civitas sine suffragio*, associated with the status of the *municeps*, the Romans had already reached the stage at which a member of an Italian *municipium*, at any rate, could be regarded as in all respects a Roman. This is admirably expressed in a famous passage in Cicero’s *De legibus* (II.5, written probably in the late 50s or mid-40s), a text and translation of which are conveniently printed in Sherwin-White, *RC*² 154. And before the end of the same century, in the early years of the Principate, we find a similar doctrine applied to the Greeks of Cyrenaica; the idea was soon generalised to include all communities under Roman rule (see n. 13 again).

I must not take time to discuss the further consequences of Roman imperialism for the class struggle in the Greek world. As we saw in V.iii above, those local Greek upper classes who remained faithful to Rome could normally rely upon Rome’s assistance in maintaining their position *vis-à-vis* the working population, with the result that oppression and exploitation of the lower classes must have increased. Greek democracy was gradually extinguished utterly, the Romans ensuring a continuance of the process which had already begun under Macedonian rule; and of course this made it increasingly difficult, and ultimately impossible, for the humble to offer effective resistance to the powerful save by extra-legal means such as rioting and the lynching of unpopular officials. Rome always exacted tribute, except from the limited circle of Greek *civitates liberae et immunes*, whose status was precarious even if they were *civitates foederatae* (see V.iii above). If a Greek city which came under Roman rule was already exploiting its working population as far as it was safe to do so, the tribute, and of course the additional exactions made by Roman officials and tax-farmers, will have had to come out of the pockets of the propertied class, at least in part; but no doubt the burdens on the peasantry were as a rule simply increased, to cover the tribute and the other Roman burdens.

The effect of Roman rule on the position of those peasants in Asia who were serfs or quasi-serfs (see III.iv above) is not known. We have very little evidence about the condition of the peasants in the Asiatic provinces, and I have no mind to add to the speculations, often over-confident, in which some scholars have indulged; but it is an obvious guess that while some poor peasants fell into debt bondage or even actual slavery, others improved in status, legally at any rate, owing to the fact that Roman law did not recognise serfdom as an institution – although no doubt Roman magistrates, like Macedonians and Greeks, would have been willing to preserve local forms of subjection and dependence.

An interesting sidelight on the arrogance of some Romans towards their Greek subjects (if the story is true, as it is likely to be) is the rebuke Cicero says he received from Verres’ successor as governor of Sicily in 70 B.C., L. Caecilius Metellus, for making a speech at all to the Council of Syracuse, and in particular for making it in Greek: this Metellus described as intolerable (*id ferri nullo modo posse*: Cic., *II Verr.* iv.147).

* * * * *

Throughout the rest of this book, as here, I often speak of the Roman ‘empire’, using the word (as virtually everyone normally does) in an essentially geographical sense, to mean the Roman and – after the Roman conquest – the

Graeco-Roman world: the whole area of Roman rule, including Italy and Rome itself. (On the rare occasions on which I refer to the Roman 'Empire', with a capital E, I mean the period during which the Graeco-Roman world was ruled by an emperor or emperors: that is to say, the Principate and the Later Empire.) I realise, of course, that 'empire', and particularly 'imperialism', are often used in a very different sense, to refer to situations in which one political entity (whether strictly territorial or not) exercises dominion over others. However, except for the period discussed in this section, during which Republican Rome was conquering the Greek world, I have paid little attention to Roman 'imperialism', in the strict sense of rule by those who were technically 'Romans' (*cives Romani*) over those who were not (*peregrini*, including Greeks). Had I done so it would have complicated the picture unnecessarily. During the Principate the Roman citizenship was gradually diffused in some degree, if very unevenly, over much of the Graeco-Roman world, until in the early third century it was extended to virtually the whole free population (see VIII.i below); but we are not sufficiently informed about most of the details, and it would be impossibly difficult to determine how the class struggle (the main theme of this book) was affected, in particular cases or overall, by the distinction between *civis* and *peregrinus*, especially since some leading Greeks who were Roman citizens rose into positions in the imperial administration and even into the Senate (see III.ii above and its nn.11-13 below), while many others, although members of the propertied class, did not even possess the citizenship. Those who are interested in Roman 'imperialism' in the sense I have just been describing will find little or nothing that is relevant to that subject in the rest of this book.

(v)

From Republic to Principate

I now return to Rome itself. In the last century of the Republic (between 133 and 31 B.C.) there was a series of political convulsions. These began with attempts at reform, partly in the interests of the lower classes, which were fiercely resisted by the great majority of the senatorial oligarchy, and ended in a series of civil wars which finally left Augustus the undisputed master of the Roman world. The system of government he founded, under the pretence, as we put it nowadays, of 'restoring the Republic',¹ is generally known as the 'Principate', a term (derived from the Latin word *princeps*) to which I shall return later, in the next section of this chapter. Perhaps more has been written on the end of the Republic and the foundation of the Principate in recent times than on any other topic in Roman or Greek history; yet problems still remain on a very large number of issues, even some central ones. The whole question is much too large and complicated to be summed up adequately in a few generalisations, and of course this is a matter of Roman rather than Greek history; but parts of the Greek world were drawn into the civil wars of 44-31 B.C., and since the whole Greek area was subject to Rome under the Principate (continued in the Later Empire) I cannot avoid a brief explanation of how that regime arose.

Sir Ronald Syme, who has made so many distinguished contributions to the study of Roman history, gave to his first great book, which described the foundation of the Principate, the title, *The Roman Revolution* – somewhat of a

misnomer, one may feel. In the conflicts he describes there, in which (as he puts it, on p.8), 'Italy and the non-political orders in society triumphed over Rome and the Roman aristocracy', his gaze is concentrated entirely upon what the advertisements of the London *Times*, a few years ago, liked to call 'Top People'. It is not that Syme and his pupils are actually hostile to those he himself describes (in his *Colonial Elites*, p.27) as 'the slaves and serfs and the voiceless earth-coloured rustics', conveniently forgotten altogether by most of those who pass judgment on the past: it is rather that for this school what *matters* in Roman history is the activities of the leading men alone. One of Syme's outstanding pupils, Ernst Badian, has gone so far as to assert that the study of the Roman Republic is 'chiefly the study of its ruling class' (*RILR*² 92, the last sentence of the book). Another able pupil of Syme's, T. D. Barnes, has recently stated that, especially in a badly documented period like the age of Constantine, 'the reconstruction of the families and careers of individuals is a necessary preliminary to any worthwhile social or political history' (*JRS* 65 [1975] 49, my italics) – although of course the only individuals about whose 'families and careers' we are likely to know much, and indeed the only ones who can be said to have had 'careers', are those at the top of the social scale; and if the reconstruction of their families and careers is a necessary preliminary, then 'worthwhile social history' of the ancient world throughout much of its existence might have to be indefinitely postponed. Prosopography, the study of individuals, has become, in the hands of its practitioners (those I have just mentioned and many others), the study of prominent individuals, their careers, their families, and their alleged political connections; it has reached a very high level of expertise and has made a major contribution to the study of ancient history. In Roman history it can be traced back to F. Münzer, *Römische Adelsparteien und Adelsfamilien* (1920). Parallel investigations in modern English history by Sir Lewis Namier (especially in *The Structure of Politics at the Accession of George III*, the first edition of which appeared in 1929) seem to have had no direct influence on the early development of Roman prosopography.^{1a}

Perhaps the treatment of Tiberius Gracchus, tribune in 133 B.C., may serve as an illustration of the approach I am criticising. Tiberius enters the pages of Syme's *The Roman Revolution* twice (12, 60). 'A small party,' we are told, 'zealous for reform – or rather, perhaps, from hostility to Scipio Aemilianus – put up the tribune Ti. Sempronius Gracchus.' And again, 'These prudent men soon refused further support to the rash, self-righteous tribune when he plunged into illegal courses.' But Momigliano, reviewing *The Roman Revolution* in the *Journal of Roman Studies* (1940), has rightly objected that 'very few revolutions are explained by their chiefs. The study of the leaders is necessary, but by itself is not enough'; and Brunt has protested that 'It is a fundamental misunderstanding of the crisis of 133 to explain it primarily in terms of factional feuds'; Gracchus was concerned with social problems: the impoverishment of the citizens, the growth of slave estates, the decline of the peasantry which had always been the backbone of the Roman economy (*SCRR* 77). The motives of the Gracchi and of the other great *populares* of the Late Republic are comparatively unimportant, and they can rarely be reconstructed with any confidence. What makes these men figures of real historical significance is the fact that they provided the essential leadership without which the struggles of the lower classes could hardly have emerged

at all at the political level. As Brunt says, 'Their personal motives, which it may be hard to determine, are less significant than the real grievances and genuine discontents on which they could play' (SCRR 95).² Only once in the Late Republic, as far as I know, do we hear of those in weakness and poverty being warned that they ought not to put their trust in the promises of rich and prosperous men, and that only a man who was poor himself would be a faithful defender of their interests. This, according to Cicero, was said by Catiline ('that nefarious gladiator', as he calls him) in a speech made in 63 at a private gathering in Catiline's own house and later openly avowed by him in a session of the Senate (Cic., *Pro Mur.* 50-1). In a moving letter to Catulus, preserved by Sallust, Catiline asserted that it had been his habitual practice to uphold the interests of the poor in public life (*publicam miserorum causam pro mea consuetudine suscepi: Cat.* 35.3). If this is true, it becomes even easier to understand the extreme detestation with which Catiline was finally regarded by Cicero and his like, and the vilification to which they subjected him.

The *populares* of the Late Republic, who appear so often in the literary sources, were not an organised faction or party or even a compact body of men having substantially the same outlook on major political issues, as on the whole their opponents the *optimates* were, at least at times of crisis.³ They were simply prominent individual politicians who had what we should call a 'popular following', in the sense of support from the poorer classes (whether urban or rural or both), and who adopted policies that were disliked by the oligarchy, usually because they were in one way or another unfavourable to the wealthier classes. Some of the politicians concerned were clearly motivated by real concern about the menacing social developments in Italy; others may have taken the courses they did mainly because they felt that this was the best way to advance their own careers. There are certain features of the policies of the *populares* which tend to appear again and again: agrarian measures of one kind or another, including above all the distribution of land to the poor or to army veterans, whether in individual lots or in the form of colonies; the supply of corn to poor citizens living at Rome, either free or at a low price (*frumentationes*); the relief of debt; and defence of the democratic elements in the constitution, such as they were, especially the privileges of the tribunes and the right of appeal (*provocatio*). All these policies were anathema to the oligarchs.

The *populares*, then, served, *faute de mieux* and sometimes no doubt against their will, as leaders of what was in a very real sense a political class struggle: a blind, spasmodic, uninformed, often misdirected and always easily confused movement, but a movement with deep roots, proceeding from men whose interests were fundamentally opposed to those of the ruling oligarchy, and who were not concerned (as were sometimes the equestrians, whom I shall mention later) with the mere exclusiveness, corruption and inefficiency of the senatorial government but with its rapacity and its utter indifference to their interests.⁴ I submit that the sudden growth of perhaps not very remarkable men such as Saturninus, Sulpicius Rufus, Catiline and Clodius⁵ (not to mention the Gracchi) into figures of some historical importance is more easily understandable if we recognise the existence among the poorer classes in the Roman state, especially perhaps the much-abused 'city mob' of Rome itself, of a permanent current of hostility to senatorial misrule and exploitation – hostility which might be

repressed for quite long periods by a mixture of sternness and condescending patronage, and which is both minimised and vilified in the oligarchical tradition, but which nevertheless remained a potent force in Roman politics, available to any leader who incorporated in his programme one or more of the few simple policies I outlined at the end of the last paragraph, which would be regarded as the hallmarks of a real *popularis*. But except in so far as they tried to promote the power of the popular Assembly at the expense of the Senate and magistrates⁶ (as for example did Tiberius Gracchus, Saturninus and perhaps Glaucia, and even Julius Caesar in his consulship in 59 B.C.), it would be misleading to call the *populares* 'democrats'. As their name implied, they were essentially those who either were, or represented themselves as being or were believed to be, in some respects 'on the side of the common people', against the ruling oligarchy. Cicero defines them as those who wished to please the *multitudo* in what they said and did; he contrasts them with the *optimates*, who behaved in such a way as to win the approval of 'the best men', *optimus quisque*, and act in their interests (*Pro Sest.* 96-7). The Greek equivalent for *populares* was *dēmotikoi*, a word which (unlike *dēmokratikoi*) had no necessarily democratic connotation: it could be used even of a 'tyrant' who was thought to favour the masses in some way, and indeed Appian describes Julius Caesar, a highly autocratic figure, as *dēmotikōtatos* (the superlative form of the word, *BC* I.4), just as Aristotle says that the Athenian tyrant Peisistratus was considered *dēmotikōtatos* (*Ath. pol.* 13.4; 14.1). It is the activities of the *populares* which are important for us, not their lineage or their motives or their ambitions or their moral characters. As I have already indicated, their motives, which have so often been minutely scrutinised, are of very secondary importance. The questions we have to answer are: what historical role did these men play, and what social forces gave them their strength? In point of fact most of them, as we should expect, came from the most prominent families. Catiline was a Patrician, and so was Clodius, until he turned himself into a Plebeian by making a *transitio ad plebem* in 59 B.C., in order to qualify himself as a tribune. All this is understandable. Depressed classes have often been obliged to seek leaders from among the ranks of their rulers, until they have obtained sufficient experience and political capacity to stand on their own feet – a condition to which the Roman masses never attained.

There is plenty of evidence to show that a large number of the common people, both in Rome itself and in Roman Italy, regarded the *populares* as their leaders, supported them, and often revered their memories when they were done to death – as many of them were: in particular Tiberius Gracchus, Gaius Gracchus, Saturninus and Glaucia, Sulpicius Rufus, Marius Gratidianus, Catiline, Clodius and Caesar.⁷ Much of the evidence for the relationship between the lower orders and some of the leading *populares* is virtually ignored nowadays: for example, certain statements made by Plutarch about the Gracchi. When Tiberius Gracchus was proposing his agrarian bill in 133, the Roman people chalked up slogans on porches, walls and monuments, calling upon Tiberius to give them back their old possessions (*Plut., Ti. Gr.* 8.10). Gaius Gracchus, during his second tribunate in 122 B.C., left his house on the fashionable Palatine hill and went to live near the Forum, with the conscious aim of arousing the regard of the poor and humble who mostly lived in that area (*C. Gr.* 12.1). He also gave offence to fellow-magistrates by pulling down some private stands

around the Forum which they had erected there in anticipation of being able to hire out the seats to spectators at a gladiatorial show the next day; Gaius claimed that the poor should be able to see the show for nothing (C.Gr. 12.5-7). After the death of Gaius (in 122) the Roman people demonstrated their respect for the brothers by setting up statues of them, regarding the places where they had been murdered as sacred and bringing first-fruits of everything there; many came to sacrifice and worship at these places, as if they were visiting shrines of gods (C.Gr. 18.2-3; cf. Ti.Gr. 21.8). Cicero in 70 B.C., in one of his speeches against Verres, invites the judges to consider how he might have excited the feelings of the ignorant multitude by producing 'a son of Gracchus or of Saturninus, or of some man of that sort' (II Verr. i.151).⁸ Seven years later there was a popular outcry when Cicero, in one of his speeches, gloried in the killing of Saturninus (Pro Rabir. perd. reo 18). A form of cult was paid to Marius Gratidianus (praetor in c. 85 B.C.), with a statue set up to him in each district (*vici*) of Rome, at which candles were burnt, and incense and wine were offered.⁹ Catiline's tomb was decked with flowers on the condemnation in 59 of C. Antonius (Cic., Pro Flacc. 95), the fellow-consul of Cicero in 63, who had been the nominal commander of the army that finally crushed Catiline and his followers. Caesar was highly regarded by the Roman lower classes, who also revered him after his death and – mistakenly – transferred their allegiance to his designated heir and adopted son, Octavian, the future Emperor Augustus.¹⁰

Again, Clodius and Milo are commonly represented by modern historians as rival gangsters who employed bands of gladiators and desperadoes to intimidate their political adversaries. Clodius may or may not have been a man of more disreputable character than the average politician of his day. But when he was murdered by Milo's ruffians early in 52, the Roman people showed their anger and distress by violent demonstrations, in the course of which they actually burnt down the Senate House.¹¹ They gave no recorded sign of disapproval when Milo shortly afterwards was forced into exile, nor did they ever make any general demonstration of political enthusiasm, as far as I know, in favour of any Optimate leader.¹² I do not believe that the Roman lower classes deserve the vituperation they have received from Roman (and Greek) writers, especially Cicero, from whom so much of our historical tradition about Late Republican political life derives. If indeed they were to some extent demoralised and depraved, it was largely because the oligarchy had made it impossible for them to be anything else, and perhaps preferred them to be so, as our own ancestors preferred to keep the English labouring classes ignorant and uneducated and without a voice in the government until well on in the nineteenth century. What chance did the humble Roman have of acquiring a sense of political responsibility? The unfortunate thing is that we can virtually never feel we are seeing things as they really were: our sources normally present us with a mere stock caricature. This has descended from (above all) Cicero, through Plutarch, Amyot and North, direct to Shakespeare, through whose eyes we see the Roman populace as a pack of bloodthirsty *sans-culottes*, hooting and clapping their chopped hands and throwing up their sweaty nightcaps and uttering such a deal of stinking breath that we shudder at the very thought of them. Their fickleness, too, is well exemplified in some 130 famous lines of Shakespeare's *Julius Caesar*, in which Antony turns them from thoughtless acquiescence in

Caesar's murder to a frenzy of 'Burn! fire! kill! slay!'. I suspect that acceptance, often perhaps unconscious, of this bitterly contemptuous attitude to the lower orders at Rome lies at the very root of the perversion of Roman history which has dominated most modern accounts. Recently, a different picture has begun to emerge, notably in books and articles by Brunt and Yavetz, and now Helmuth Schneider (see the works cited in n.2). Some influence has been exerted here by Marxist historians of other periods, in particular Hobsbawm and Rudé.¹³ But the standard picture is still virtually the one presented by Cicero and his like, for whom the lower classes at Rome are the *sordes urbis et faex*, dirt and filth (Cic., *Ad Att.* I.xvi.11), the *misera ac ieiuna plebecula*, a starving, contemptible rabble (ibid.), the *sentina urbis*, the bilge-water or dregs of the city (*Ad Att.* I.xix.4); they are *to aporon kai rhypparon*, the indigent and unwashed (Dion. Hal., *Ant. Rom.* VIII.71.3).¹⁴ When they show radical tendencies they are habitually described by Cicero as the *improbi*, the wicked, and contrasted with the *boni*, the decent folk – that is to say, the oligarchs and their adherents. Here we are reminded again that the Greek and Roman world (as I explain at the beginning of VII.iv below) was positively obsessed with wealth and status, the latter depending largely on the former. Sallust, who often weakens his picture with facile moralising, sometimes realised the truth, as when he wrote: 'Every man who was most opulent and most capable of inflicting harm passed for a "bonus" because he defended the existing state of affairs' ('quisque locupletissimus et iniuria validior, quia praesentia defendebat, pro bono ducebatur'): *Hist.* fr. I.12, ed. B. Maurenbrecher, 1893 – a passage which does not appear either in the Loeb edition of Sallust or in the Teubner text by A. Kurfess (3rd edition, 1957 & repr.).

The complicated political machinery of Rome was such that it would never have been possible for the poorer classes to attain the relatively united front which the oligarchy could easily achieve through the Senate, always dominated (as I have said) by a handful of senior consulars. The citizen population was much less concentrated than in any Greek *polis*, and when a large part of Italy was enfranchised after the 'Social War' of 91-87 the Assemblies (the *comitia* and *concilium plebis*) became even less representative.¹⁵ Nothing like a genuinely representative form of government emerged (cf. Section vi of this chapter, *ad init.*, and its n.2). All major political decisions were taken entirely at Rome, normally in practice by the Senate, which remained immensely powerful, although sometimes the Assemblies, which were still mass-meetings of the Roman People (or of the collective *plebs*), could pass measures contrary to the wishes of the faction dominant in the Senate.

In addition to the vastly greater area inhabited by Roman citizens in the Late Republic, which made attendance at the Assembly virtually impossible for the great majority, except on rare occasions, there was another factor which was responsible for making the whole complexion of politics at Rome entirely different from that of any Greek state of any period: namely, Rome's position as a great imperial power. Enormous wealth, by the standards of those days, came to Rome as the result of her great wars in the third, second and first centuries B.C. The story has often been told and the available figures given.¹⁶ There is more than enough contemporary evidence to convict the Romans – or rather, their propertied classes (magistrates, tax collectors and business men) – of plundering the provinces on a vast scale. Diodorus, a Greek-speaking Sicilian

historian of the last century B.C., who at times shows some signs – exceptional in a Greek or Roman writer – of sympathising with the oppressed,¹⁷ remarks that the Phoenicians had a talent for discovering sources of wealth, the Italians 'a genius for leaving nothing for anybody else' (V.38.3; cf. Sallust's 'letter of Mithridates to Arsaces', quoted in VII.v below). Another *obiter dictum* by Diodorus, critical of the Romans, is in XXXI.27.5: 'among the Romans no one readily and willingly gives any of his property to anyone'. There is much evidence for the inordinate appetite of leading Romans for wealth and luxury. Four letters written by Cicero to his friend Atticus in the first half of 60 B.C. complain bitterly about the selfishness of those very rich men – *piscinarii* (fishponders), as he contemptuously calls them (*Ad Att.* I.xix.6; xx.3) – who are fools enough to think that even when the State is done for they will still have their fishponds (*piscinae*, I.xviii.6; II.ix.1), the 'leading men' (*principes*) who 'think themselves in heaven if they have bearded mullets coming to hand in their fishponds, while they neglect everything else' (II.i.7). These were no mere men of private leisure: most of the known *piscinarii* are mainly 'leading men' indeed. Only P. Vedius Pollio, the friend of Augustus, was a mere equestrian (and a freedman's son): he it was who had the habit of punishing his slaves by throwing them alive into his pool, to be devoured by his lampreys.¹⁸ There are also some striking general statements by Cicero, who will hardly be accused of harbouring either prejudice against the Roman ruling class or radical ideas on the subject of Roman imperialism: I can do no more here than give references to some of them in a note.¹⁹ I will quote only the opinion of Tacitus: that the provinces did not object to the change from Republic to Principate, 'for they distrusted the rule of Senate and People because of the struggles between the men of power and the greed of officials, against whom the laws, crippled by violence, intrigue, and especially by corruption, gave them no help' (*Ann.* I.2.2; cf. Sections i and iv of this chapter). Not only did vast sums in booty and war indemnities and taxation accrue to the Roman state 'legitimately'; the Roman military commanders (who took a considerable share of the booty)²⁰ made immense private fortunes, and so did many of the provincial governors. It is true that the majority of the provinces – perhaps all except Asia and the three great islands: Sicily, Sardinia and Corsica – must have cost at least as much to 'pacify' and garrison as they yielded to the State in tribute; but virtually every provincial governor expected to make at least a small fortune out of even a single year in office. When Cicero made a profit of HS 2,200,000 (a little over 90 Attic talents) out of his governorship of Cilicia and Cyprus in 51–50 B.C., he nevertheless felt – probably with justification – that he had acted with complete propriety (see Section iv of this chapter). The soldiers collectively profited from the distributions made to them out of booty, even if the rank-and-file received only modest sums individually. (Brunt has given a full list for the years 201–167: *IM* 394, Table IX.) And the poor at Rome, the *plebs urbana*, benefited indirectly in various ways, for instance from the public works which the profits of empire made possible, and above all from the regular supply of cheap corn from Sicily, Sardinia and Africa.²¹

The results of Roman imperialism, over all and in the long run, need to be assessed by an analysis in terms of class. This has sometimes been done even by those who are far from being Marxists. For example, my own teacher A. H. M. Jones (who to my knowledge never read Marx or took the slightest interest in

Marxism) gave a perfectly acceptable class analysis in his paper on Rome to the Third International Conference of Economic History at Munich in 1965, recently reprinted in his *Roman Economy*. After referring to the impoverishment of the provinces in the Late Republic ('most clearly demonstrated by the virtual cessation of civic building in this period in the provinces'), he went on to say that it was senators and equestrians in Italy who profited from the empire.

But they did not use their newly acquired wealth for any economically productive purpose; they spent it either on luxury goods or on the acquisition of land. Their demand for luxuries encouraged a one-way traffic of imports into Italy, which provided employment for provincial craftsmen and profits to merchants both provincial and Italian. Their acquisition of land led to the pauperisation of many of the Italian peasantry. The Italian lower classes lost rather than gained by the empire. Many of them lost their land and were recompensed only by cheap corn if they migrated to Rome, or meagre pay in the army (*RE* 124).

Now the *plebs urbana*, simply because of their permanent presence at Rome, had some political influence as voters in the Assembly, and the senatorial oligarchy had to take account of them, in so far as they could function as a 'pressure group'. If necessary, they could riot. 'Riots at Rome fill a large place in the pages of Cicero, but their effect on the course of events was limited; the government could in the end always repress urban disorder, if it could command a loyal soldiery' (Brunt, *ALRR* 70). The soldiers and veterans, however, were a very different matter, and potentially a very much more serious source of danger to the oligarchy: in the end they helped to bring down the Republic. Perhaps the single most important factor here was that a large and increasing proportion of discharged veterans had little or no property to support them when they returned to their homes. (I have referred at the end of IV.i above to the part played by conscription in the ruin of part of the Italian peasantry.) Sometimes in a man's absence on military service his parents or children would be driven out by an influential neighbour (*Sall.*, *BJ* 41.8). There is much evidence for the forcible dispossession of the poor by the rich during the Late Republic, which has been set out by Brunt in a valuable Appendix to his *Italian Manpower* (551–7, 'Violence in the Italian countryside').²²

Great emphasis is often placed on what has been called 'Marius's creation of a client army' (Birley, *TCCRE* 260 n.3): the enlistment by Marius as consul in 107, for the Jugurthine war, not only of members of the five property-classes who were traditionally liable to regular conscription for the legions, but also of volunteers from among those who had too little property to qualify for the classes. These were the so-called *proletarii* or *capite censi* – 'the poor, who contributed little or nothing to the welfare of the state', as Hugh Last characteristically put it (in *CAH* IX.134). In fact *proletarii* had sometimes been recruited before, although mainly in times of emergency; but Marius' action set a precedent, and 'after Marius recruiting officers ceased to inquire into the property qualifications of citizens, before enrolling them in the legions' (Brunt, *IM* 35, cf. 82). 'Marius himself does not seem to have perceived that he had secured the means to dominate the state as the patron of his troops . . . Only in retrospect could it be discerned that penniless soldiers could become the pliant instruments of an unscrupulous commander. Thus the censure of Marius' conduct [by Sallust in particular] is anachronistic; it implies, however, that Marius set a

precedent that later magistrates had followed and that a proletarian army overturned the oligarchic Republic' (ibid. 406-7). 'We may well believe that Marius' main motive was to preserve his following among the people by sparing those who did not wish to serve and attracting the penniless with prospects of rich booty [cf. Sall., *BJ* 84.4]; yet with the steady decline of the peasantry the change he made was surely inevitable sooner or later' (ibid. 407, cf. 410).

Of course the senatorial government, even in its own interest, ought to have provided at least the poorer legionaries with land on discharge; but distributions of land of any kind, whether to ordinary poor citizens or to army veterans, were always detested by the oligarchy.²³ Consequently the loyalty of discharged veterans, and of soldiers who knew they would otherwise be left without means on discharge, was deeply engaged to commanders who could be relied upon, in the teeth of senatorial opposition, to make land grants available to their veterans, by laws promoted in the Assembly by or on behalf of the commanders, as by Caesar in 59. These land grants were sometimes facilitated by large-scale confiscations from political opponents defeated in civil wars, a tactic resorted to above all by Sulla the Optimate and by the triumvirs of 43-42 B.C. (see below). This gave the commanders irresistible strength. 'In refusing to satisfy the needs even of those "miseri" whom they were obliged to arm, the Republican ruling class displayed not only a lack of social sympathy which is conspicuous in their policy as a whole, but also a lack of prudence that was fatal to their power and privileges'. . . . [for] 'the wretchedness of the population from whom the army was recruited enabled leaders whose primary concern was their own enrichment or aggrandisement to threaten and finally to subvert the Republic' (Brunt, *ALRR* 84).

It was Augustus who took the essential step towards creating a permanent standing army, above all by setting up in A.D. 6 a special treasury for financing grants to discharged veterans, the *aerarium militare*, fed by two new taxes, the more important of which was much resented by the senators (see below). The army now became decreasingly Italian. As Brunt has well said (*IM* 130), the burden of conscription in Italy that Augustus had reduced 'Tiberius finally lifted; for it was under Tiberius that the levy in Italy fell into disuse, once the programme of foreign expansion had been given up. The *Pax Augusta* really began in A.D. 17. But it was made inevitable by the exhaustion of Italian manpower. The exhaustion was not strictly numerical, but moral. Italy could still have mobilised great armies. But too many Italians had been fighting for too long; *il faut en finir*. In all the literature of the time the words most characteristic of the new spirit of the age were not any of those famous commemorations of Rome's imperial mission and martial glories, but Propertius' "nullus de nostro sanguine miles erit" – 'You'll get no soldier of my blood' (*II*.vii.14).

It is worth mentioning that during the period of intermittent civil war after the assassination of Caesar in 44 we often hear of attempts by the common soldiers (and sometimes the junior officers) to bring about a reconciliation between their implacable leaders.²⁴ The *plebs urbana*, so much despised by many historians, also demonstrated in favour of peace and reconciliation on more than one occasion.²⁵

In its primary sense, as the way in which exploitation of the slaves and the

lower orders was conducted by the owners of property (cf. II.ii above), the class struggle in the Late Republic proceeded with few of those checks on the activities of the powerful which Greek democracy had so carefully provided. In the political sphere, the Middle Republic (say 287-133 B.C.) saw few bitter conflicts: this was the great age of expansion, and of unparalleled enrichment for the oligarchs and their hangers-on, with the ruling class on the whole remarkably united. The political struggles of the late Republic (133 ff.) which ended in the establishment of the Principate by Augustus became possible only because serious splits began to develop within the ruling class – most but by no means all of which arose out of personal ambition rather than attempts at reform. That a governing oligarchy is unlikely to be overthrown as long as it preserves unity within its own ranks is one of those perceptive observations now regarded almost as truisms, as a result of the writings of Lenin and Mao Tse-tung. But this very observation was made as early as the fourth century B.C. by both Plato and Aristotle. To recapitulate what I have said elsewhere, in relation to Classical Sparta (*OPW* 91) – the Greeks realised the simple fact (stated as such by Plato's Socrates) that changes in a state begin from dissensions among the ruling class, and that the constitution can hardly be upset as long as that class is united, small as it may be (Plato, *Rep.* VIII.545d). Provided the rulers are not at variance among themselves, the rest will not be at odds with each other (V.465b). Aristotle speaks in much the same vein: an oligarchy which preserves harmony inside itself will not easily be overthrown from within (*Pol.* V.6, 1306^a9-10). There were occasional earlier signs of disagreement within the Roman ruling class²⁶ (cf. Section II of this chapter), but only with the tribunate of Tiberius Gracchus in 133 B.C. did a serious breach begin to develop (see Cicero, *De rep.* I.31; etc. Cf. Sall., *BJ* 42.1; *Hist.* I. fr. 17). There were now some members of the governing class who could see that reforms were necessary, however much the remainder of the oligarchy might resent them. There were also members of the oligarchy who could not resist the opportunities for self-advancement which were thrust into their hands by the growing discontent of the masses, especially the soldiers and veterans whose situation I have described above.

Most modern scholars present a very different picture from the one I am giving here.²⁷ Badian, for example, in a recent article on the tribunate of Tiberius Gracchus, is very scornful about the atmosphere of class strife which pervades the accounts of Appian and Plutarch: he places 'little trust in their chatter about the opposition between "the rich" and "the poor"' over Tiberius' agrarian law; to him, 'it is no more than a stereotype of *stasis* – a purely literary device of little use to the historian' (*TGBRR* 707). But this ignores much earlier testimony, indeed that of Cicero himself, who, in one of his most serious and – since it resulted in a unanimous verdict in favour of the man he was defending (*Ad Q. fr.* II.iv.1) – most successful speeches, sees the agrarian law as supported by the *populus*, because it seemed to be strengthening the poor (the *tenuiores*), and opposed by the Optimates, because it would 'arouse discord' and the rich (the *locupletes*) would be deprived of their long-held possessions (*Pro Sest.* 103). There is much other evidence to the same effect in Sallust (writing in the late 40s and early 30s), for the Gracchi and the decades that followed.²⁸

The new period in Roman history which opened in 133 is commonly regarded

as more violent and bloody than that which preceded it; but the real difference is that Rome itself now experienced at first hand on a few occasions the cruel violence and unnecessary bloodshed which had characterised so many Roman actions in their foreign conquests. In the preceding generation there had been several atrocious deeds by Roman generals, including the methodical massacre or enslavement of tens of thousands of Epirotes in time of peace, carried out by L. Aemilius Paullus in 167 (see Section iv of this chapter and its n.2 below), the vindictive destruction of Carthage in 146, and the treacherous slaughter or enslavement of the Lusitanians by Servius Sulpicius Galba in 150: the first two of these acts can be considered part of official Roman policy; the third was due to the initiative of the general concerned but went unpunished.²⁹ Men habituated to such excesses abroad were not likely to behave in a strictly constitutional manner at home, once the threat to their dominance (or even their property) became really serious – nor did they. The first bloody episode at Rome was the murder in 133 of Tiberius Gracchus and (according to Plutarch, *Ti. Gr.* 19.10) more than three hundred of his followers. After that things went gradually from bad to worse, until a prolonged series of civil wars on a massive scale ended with the victory of Octavian, the future Augustus, at the battle of Actium in 31 B.C. The Principate of Augustus and his successors (see the next section of this chapter) was one of the most remarkable constitutional constructions ever devised by man, and it was supremely successful in maintaining social stability, in the sense of the dominance of the Roman propertied classes. Without undertaking a description of this extraordinary political edifice (a task far too large for this book), I must try to explain, in this section and the following one, how it achieved such stability, and continued to work so successfully not only under a political genius like Augustus (one of the ablest political figures known to human history) but even under some third-rate emperors, and survived two major outbreaks of civil war, in 68–70 and 193–7, before partly disintegrating in the mid-third century under ‘barbarian’ attacks and military coups, only to revive again under Diocletian, from 284–5 onwards. The Later Empire, which is usually taken to begin with the accession of Diocletian in 284, was essentially a continuation of the Principate, even if the personal power of the Emperor, which had steadily increased all along, was now more open and undisguised than it had been at the outset (see the next section of this chapter).

In order to obtain the power he craved, Augustus did not hesitate to use as much force as might be necessary: he crushed all opposition without mercy, and he obtained enormous wealth, far greater than that which any other Roman had ever owned. He was, however, by nature and instinct a thorough conservative, who wanted the minimum of change in the Roman world, enough only to secure his own position of dominance and that of his family. Those who were willing to follow him unquestioningly he would accept as his instruments, whether they were blue-blooded aristocrats or *nouveaux riches*. Once he had created a regime that satisfied him there must be no further changes. ‘In the civil wars he had fought against the *nobiles*. Victorious, and now a legitimate ruler, he became their friend and patron’ (Syme, *RPM* 7). A remark of his is preserved by Macrobius (*Sat.* II.iv.18), which reminds us of the definition of a *bonus* given by Sallust, quoted above. ‘Whoever does not want the existing state of affairs to be changed,’ said Augustus, ‘is a good citizen and good man.’ (This statement also

resembles Lord Blake’s definition of a British Conservative, given in Section vi of this chapter.) Above all, property rights were to be secure, in so far as they represented no threat to him and his dynasty. Restoration of the inviolability of property ownership by Augustus is emphasised, along with the renewal of agriculture, of religion and of general security, by Velleius Paterculus, whose history was finished in A.D. 30, under Tiberius: ‘rediit . . . certa cuique rerum suarum possessio’ (II.89.4).

During the period between the murder of Caesar in March 44 and the battle of Actium in 31 some other tendencies emerged, besides threats to property, which might have deeply disturbed the senatorial oligarchy. Attention is usually concentrated nowadays, naturally enough, upon the use of military force for their own ends by the leading men, Octavian and Antony in particular. But there were also signs of initiative on the part of the soldiers themselves, which might have seemed ominous to the senators. It was not until A.D. 68, with the proclamation of Galba by the legions under his command in Spain, that – in the famous phrase of Tacitus – the secret of empire (*imperii arcanum*) was divulged, that a Princeps could be created elsewhere than at Rome (*Hist.* I.4). Even earlier than that, of course, the installation of Claudius as emperor in 41 had been the work of the Praetorian Guard. But as early as the autumn of 44 B.C. Octavian had marched on Rome with a private army of Julius Caesar’s veterans from Campania, an act he repeated in the summer of 43 with eight legions and auxiliaries of which he was the official commander. Just before the second occasion a deputation consisting of four hundred centurions was sent to the Roman Senate, to demand for the legionaries a promised donative and for Octavian the consulship, which had become vacant through the death of the two consuls of 43. There are indications in our narrative sources, Appian and Dio Cassius, that the appearance of the centurions exasperated the senators, some of whom, we are told, could not endure the soldiers’ assumption of free speech (*parrhēsiāzesthai*).³⁰ And we must not forget other signs of initiative on the part of soldiers and junior officers and of the *plebs urbana* between the years 44 and 38 (for which see above and nn.24–5).

It was not only that revolutionary movements from below were now made impossible, and that initiatives by members of the lower classes ceased. In the years 43–42, before Octavian (Augustus) acquired supreme power, there had been several attempts to levy taxes in Italy, which had known no direct taxation (except in emergency) from the end of the Third Macedonian war in 168 B.C. until after the death of Caesar in 44. The levies of tax that we hear of in 43, 42, 39 and 33–32 were less productive than might have been expected, because they were strongly resisted by the rich. Self-assessment was still the rule, as it always had been, and in 43 and 42 we hear of fraudulent under-assessment, punished by complete confiscation when proved; there was general resistance to the introduction of taxes on slaves and on inheritances in 39; and during 32, when freedmen worth more than HS 200,000 were ordered to contribute an eighth of their total property and other men a quarter of the annual produce of their lands, there were disturbances throughout Italy.³¹ It was largely because of the stubborn resistance to regular taxation that the triumvirs (Antony, Octavian and Lepidus) resorted at the end of 43 to wholesale proscriptions, resulting in the confiscation of the entire property of some hundreds of very rich men. As Syme has said, ‘The

proscriptions may not unfairly be regarded as in purpose and essence a peculiar levy upon capital' (RR 195; cf. Dio Cass. XLVII.6.5). But the proceeds were disappointing, and the triumvirs proceeded to proclaim a levy on 1,400 of the richest women, a figure soon reduced to 400 after energetic protests by the leading women; this tax was then supplemented by another on everyone, whether a citizen or not, who owned at least HS 400,000 (the *census* of a Roman *eques*): each of these men had to contribute a whole year's income to the expenses of the forthcoming war and lend to the state 2 per cent of his property.³² All this was exceedingly alarming to the propertied classes of Rome and Italy. Octavian at the end of 36 remitted all unpaid taxes (App., BC V.130), and when he achieved supreme power he made it clear that large-scale exactions were at an end. The relief and gratitude of the propertied classes were naturally boundless. Only once did Augustus impose new taxation of any significance: this was in A.D. 6, when he created the *aerarium militare* ('military treasury'), to provide not for ordinary army pay but for the settlement of veterans on discharge. Augustus started it off with a large donation of HS 170 million from his own private fortune (Aug., RG 17.2) and the promise of further annual contributions, and he arranged for it to be regularly fed by the proceeds of two new taxes: one on inheritances (at 5 per cent, with exemptions) and the other on sales by public auction. It is interesting to note that the inheritance tax was received with much ill-will: there was agitation in the Senate for its abolition, and seven years later Augustus was driven to let it be thought that he was going to substitute a tax 'on fields and houses', a prospect which thoroughly alarmed the senators and made them abandon their outcry for the ending of the inheritance tax! (The story is well worth reading, in Dio Cass. LV.24.9 to 25.6, and LVI.28.4-6.)³³

Although it would be technically incorrect, I am tempted to say that Augustus, as it were, took the collective *plebs* (especially at Rome itself) into his personal *clientela* (cf. below), procuring as the outward symbol of this a grant to himself of the tribunician power (cf. Tac., Ann. I.2.1; III.56.2) – as a Patrician, he could not actually become a tribune himself. With his unique combination of *auctoritas* and *potestas* (on which see the next section of this chapter), he knew that he had all the power he needed, at least from 19 B.C. onwards; further constitutional powers were unnecessary and would only make it more difficult for the great men to accept his fiction of a 'restored Republic'. But the poorer classes, loyal to him as the heir of the greatest of the *populares*, Julius Caesar, feared above all else a restoration of the oppressive senatorial oligarchy and would have been only too glad to have still greater powers conferred upon Augustus.³⁴ Their loathing of the old regime is well brought out in the description by Josephus of the murder of Gaius (Caligula) and the installation of Claudius as emperor in A.D. 41. Whereas the senators regarded the emperors as *tyrannoi* and their rule as *douleia* (political subjection, literally 'slavery'), says Josephus (AJ XIX.227-8), the people (the *dēmos*) saw in the emperors a restraint on the rapacity (*pleonexia*) of the Senate (cf. § 224) and for themselves a refuge (*kataphygē*; cf. Thuc. VIII.48.6!). Similarly, when in the following year the governor of the province of Dalmatia, L. Arruntius Camillus Scribonianus, raised a revolt, with the declared aim of restoring the Republic³⁵ and the ancient condition of 'freedom', his soldiers at once deserted him, as they suspected, according to Dio Cassius, that they would again have 'trouble and strife' (LX.xv.2-3).

★ ★ ★ ★ ★

How was Augustus able to induce the Roman governing class to accept his rule? Let us be specific and speak of 'the senatorial order', for the equestrians obviously stood to gain more than they lost. How, then, did Augustus reconcile the senators to the Principate? I would say that the Roman aristocracy wanted five things above all: (1) Peace, (2) Prosperity, (3) Position, (4) Patronage, and (5) Power; and that it was only the last of these that Augustus was unwilling to allow the senators to pursue to their hearts' content.

(1) *Peace*, internal peace, after the years of civil war, was of course everyone's desire; but the Roman governing class had a special reason for wanting it. Bitter experience must have forced most of them to realise that in the absence of one supreme ruler, concentrating power in his own hands, a new struggle for mastery was all too likely to develop, almost certainly involving further civil war; and if this occurred the victor might well be another Julius Caesar, or even some much more radical dictator, far less concerned than Augustus to preserve the *status quo*. Tacitus, a senator through and through, reluctantly conceded that after the battle of Actium in 31 B.C. it was in the interests of peace (*pacis interfuit*) that all power (*potentia*, a word with sinister undertones) should be conferred on one man (*Hist.* I.1); he knew that *pax* and *princeps* were inseparable (*Ann.* III.28.3: *iura quis pace et principe uteremur*).

(2) As for *Prosperity*, it hardly needs to be stressed that the Roman governing class longed for it. They wanted to be rich, to indulge whatever tastes they might have for luxury, to enjoy unrestricted opportunities of acquiring new wealth, through provincial governorships and in other ways. Augustus was very ready to gratify these desires, within limits; but he regarded himself, and was generally regarded, as responsible for the empire as a whole, and if he allowed members of the governing class to plunder too freely, as in the past, there might be trouble, which it would fall to him to put down. It was therefore desirable to put some check on the more flagrant forms of extortion and oppression and illegality, even in the provinces.³⁶ 'I want my sheep shorn, not shaved,' said Tiberius reprovingly to Aemilius Rectus, the equestrian Prefect of Egypt in A.D. 14, who had sent him more than the prescribed amount in taxes (Dio Cass. LVII.x.5). Augustus and many of his successors would have applauded the fascinating passage, reproduced in Section vi of this chapter, from the *Discourses on the First Decade of Livy* (I.55), in which Machiavelli recognises the necessity, in a state containing over-powerful *gentiluomini* of the kind he so detested (bearing a striking resemblance to the Roman landed aristocracy; cf. III.iii above), for a monarch with 'absolute and overwhelming power', to restrain the excesses of 'the powerful'.

(3) The senators also wanted *Position* (a term I use as roughly equivalent to *dignitas*), and hereditary position at that: they wanted to monopolise the magistracies, priesthoods and other dignities which conferred such immense prestige among the Romans, and to hand them on to their sons after them, as in the 'good old days'. (It is difficult for us to realise how highly the Romans valued the mere 'dignitas' attaching to membership of the Senate and to holding the great offices of state, above all of course the consulship, even when these offices no longer

automatically provided a large sphere of liberty of action.) Here the senators did not lose much. The emperors promoted new men to the Senate (who were often sneered at as men of low birth, 'obscuri loco nati'),³⁷ but only in limited numbers; and the recognised senatorial aristocracy continued at first to monopolise virtually all the highest offices, even if the choice of candidates for them was to some extent in the emperor's hands – even under Augustus we hear of some cases in which the consulship is said to have been given or offered to a particular man by the emperor;³⁸ and Pliny the Younger, when he became consul in A.D. 100, could acknowledge in his official speech in the Senate, addressed to that 'optimus princeps', Trajan, that the choice of consuls was now the emperor's.³⁹

(4) The senators wanted their rights of *Patronage*, sanctified by the ancient Roman custom of the 'clientela' (see the end of Section iii of this chapter), to continue as of old. These rights too were maintained, although at the highest level they came under increasing imperial control – I shall return to this important subject very shortly.

(5) The senators also, of course, wanted the *Power* they had always enjoyed. The reality of power, however, was the one thing the emperors could not afford to grant to them, although they might choose to give a carefully controlled share in it to those individuals who had proved their loyalty and their fitness to be imperial advisers and legates in command of provinces and their legions. The army was the emperor's concern, and the great bulk of the armed forces were stationed in provinces governed by his legates, appointed directly by himself (cf. the next section of this chapter).

I now return to the subject of *Patronage*, which deserves much fuller treatment than I can give it at this point. (I have already discussed it at some length in my SVP: see Section iii of this chapter and its nn. 10–12.) The *clientela*, as I have explained, was a very ancient and central feature of Roman society, and the exercise of patronage by the great men (by no means limited to their *clientes*) was a major factor in political and social life⁴⁰ – and incidentally much more pervasive and effective even in the judicial system than has been generally realised (see my SVP 42–5).⁴¹ Patronage, indeed, must be seen as an institution the Roman world simply could not do without, once the genuinely democratic elements in the constitution (circumscribed as they had always been) were on the point of disappearing altogether. This is seldom sufficiently realised. Under any political system, many appointments to positions involving the exercise of authority must be made somehow. Democratic process allows them to be made *from below*; but if it ceases to exist, everything has to be done *from above*. At Rome election from below became less and less important, even in the last years of the Republic, and early in the Principate it came to occupy only a minor place.⁴² When nearly everything was done from above, however, and appointment largely replaced election, patronage of course became all-important. A Roman emperor made most of the top appointments himself, from among men whom he would personally know. He, on the recommendation of his immediate subordinates, or those subordinates themselves, would appoint to the less exalted posts; and so the process went on, right down the line, to the humblest

local officials. Everything now depended on favour, recommendation, patronage – on *suffragium*, in the new sense which that word had begun to have by at least the early second century, replacing its original sense of 'vote' (see my SVP). The *clientela* never entirely lost its importance; but as time went on, more and more was done by what the emperors, in attempting unsuccessfully to forbid it, called *venale suffragium*, patronage that was openly bought (see SVP 39–42) – for it was inevitable that the giving of favours by *patroni* to their *clientes* should be supplemented by the purchase of such favours by those outside the useful circle of clients.

It need not surprise us that the Latin word which had originally meant 'vote', namely *suffragium*, had by the beginning of the second century come to bear the more usual meaning of 'patronage' or 'influence' or (in the eighteenth-century sense) 'interest'. There are many fascinating texts which illustrate the working of patronage under the Principate (see SVP 37–9, 40–4), and in the Later Empire it assumed an even more important and more sinister role (cf. SVP 39–40, 44–8). The Greeks accommodated themselves by degrees to this Roman institution, which they could not now afford to do without, and in due course they became thoroughly habituated to it. As Liebeschuetz has demonstrated, a leading Greek orator of the late fourth century like Libanius might have to spend a vast amount of time soliciting favours from or for his friends (*Ant.* 192 ff., esp. 193). Libanius sometimes admitted that the practice could be objectionable, but he simply could not afford, placed as he was, to refuse to do what everyone expected of him, since 'the giving and taking of favours played an essential part in social relationships at Antioch and, indeed, throughout the empire' (*Ant.* 195–7). Even men holding no office conferring any *power*, political or military, might be felt to be persons of the greatest *influence* if they were friends of the really great men, the emperor above all. There is a most revealing picture in Eunapius' *Lives of the Sophists* (written in or after 396) about Maximus of Ephesus, a leading pseudo-philosopher, renowned as a wonder-worker, who was an intimate of the Emperor Julian. When Maximus was summoned to the court at Constantinople by Julian in 362, he became the centre of attention at Ephesus and was courted by everyone, including 'the leading members of the city Councils'; the common people too thronged around his house, jumping up and down and shouting slogans, and even the women came in crowds through the back door to beg favours of his wife. Maximus went to Julian in great pomp, 'revered by the whole province of Asia' (Eunap., *VS* VII.iii.9 to iv.1).⁴³ The more Christian the empire became, the more powerful was the influence of bishops and priests, and even of monks and 'holy men'. As early as the 330s we hear of a Novatian holy man, Eutychianus, living near the Mysian Mount Olympus in north-west Asia Minor, who became famous as a healer and miracle-worker: he successfully interceded with Constantine for the pardon of an accused officer; and indeed that emperor is said to have generally acceded to requests made by him (Sozomen, *HE* I.xiv.9–11).

Since the very apex of the great pyramid of patronage was, needless to say, the emperor, we must expect to find him subject, far beyond anyone else, to an extreme degree of solicitation, not only by those he condescended to call his 'friends', his *amici* (see below), but also by more ordinary people with ambitions as well as grievances, and of course by cities. (Here I need only refer to the recent

book by Fergus Millar, *ERW*, which – in spite of a title that promises too much – I had occasion to recommend in II.v above as an exceptionally useful collection of information on the subject of communication between the Roman emperor and his subjects, in the period with which it deals, 31 B.C. to A.D. 337.)

To avoid exposing myself to an obvious objection, I must point out that an emperor would not inflict upon any of his great men the indignity of being called his 'cliens'. Cicero remarks that men who see themselves as rich and honourable gentlemen regard being patronised or called 'clientes' as 'mortis instar' (*De offic.* II.69) – as we would say, 'a fate worse than death'. Therefore, the man whom the ruler delighted to honour with his personal recognition would be styled his *amicus*, his 'friend'⁴⁴ – the high-sounding title which everyone has heard of, because the Jews are said to have cast it in Pilate's teeth at the trial of Jesus, crying out to him, 'If thou let this man go, thou art not Caesar's friend' (Jn XIX.12). But *amicitia* between an emperor and one of his subjects, even when it happened to involve warmth of feeling on both sides, could never be a relationship approaching equality. It would of course be technically incorrect to say that it was that of *patronus* to *cliens*, but in reality it would often resemble that relationship rather than what we should call genuine friendship.

At times some senators could feel bitter at the loss of the old *libertas*. It is usually admitted nowadays that under the Principate the word *libertas*, in the mouth of a member of the Roman governing class like Tacitus, meant essentially *libertas senatus*, the freedom of the Senate (see e.g. Wirszubski, *LPIR* 137, 163). I would go so far as to say that in the Late Republic the situation was very much the same. Cicero and his like might well qualify assertions of the liberty of the Senate, the organ of the ruling class, to do exactly as it pleased, by some such phrase as 'within the law' – for they of course (and this is the cardinal fact) had made the law, fashioning it and administering it in such a way as to ensure their own dominance, and they could hardly suffer by its observance. 'The Roman constitution was a screen and a sham', as Syme has put it (*RR* 15); but to its authors and beneficiaries, the Roman ruling class, it was authentic Law and Order. If the common herd acted of their own volition against the interests of their rulers, that would be not *libertas* but *licentia*, mere licence: a charge of illegality would almost certainly be brought against it. How nicely the senatorial concept of *libertas* was tailored to fit the senatorial interest, in particular the exercise of their patronage rights, emerges best from a passage in Tacitus' *Annals* (I.75.1-2). After describing how the mere presence of the Emperor Tiberius in a court of law (where he would be sitting as an adviser, *assessor*, to the officiating praetor)⁴⁵ ensured that the judgments given were uninfluenced by bribery or the entreaties of the powerful (*adversus ambitum et potentium preces*), Tacitus comments that while this aimed at justice, it destroyed *libertas* (*sed dum veritati consulitur, libertas corrumpitur*). To be real, for Tacitus, the *libertas* of senators must not be precarious, as it had now become: for an emperor to prevent the praetor from giving judgments in court in favour of his own and his friends' protégés was something that corrupted the free essence of oligarchic political life, even when such initiatives were scrupulously directed only against the giving of judgments procured by bribery or favour! One is reminded of a parallel in the *Confessions* of Augustine (VI.[x].16). The saint's young friend Alypius (later bishop of Thagaste in Africa) was acting in the same capacity

(*assessor*) in a fiscal case at Rome in 383-4, and again the judge would not have dared to resist the demand of a powerful senator for a decision in his favour contrary to law, had not Alypius insisted on justice being done, remaining impervious – to everyone's amazement – to the man's bribes and even his threats. I fancy that many readers of the *Confessions* may fail to realise that the situation depicted by Augustine, although of course even more common in the Later Empire, could easily occur in the early Principate nearly 370 years earlier.

It was once urged upon me in a letter from an eminent Roman historian, in defence of Tacitus, that the point of the passage from the *Annals* which I have just been discussing is simply that Tiberius, 'by being present, prevented judges from judging freely, as they were embarrassed (who would not be?) by his presence'. But that is not at all what the passage actually says, and, as we shall see in a moment, there is conclusive evidence against it. The presence of Tiberius may well have embarrassed the praetor; and Tacitus could easily have said this, but he has not done so. Tacitus was a master of the ambiguous phrase, and his perfectly explicit statement here should not be disregarded, in favour of a presumed but unstated implication. Tacitus claims most specifically that the presence of Tiberius actually prevented judgments – *unjust* judgments – from being given in response to bribes or the representations of the men of power:⁴⁶ it was precisely this, not a general 'embarrassment' of the praetor, which 'destroyed *libertas*'. And indeed there is positive evidence in favour of the picture I have presented. Dio Cassius (LVII.vii.2-5), dealing – as is Tacitus, in the passage I have quoted – with the early years of the reign of Tiberius, says that the emperor took great care when judging cases himself to impress on his assessors that they were to speak their minds quite freely: Dio is most emphatic about this, and he even adds that Tiberius would often express one opinion *and his assessors another*, and that Tiberius sometimes accepted their view, without harbouring any resentment. We may feel, then, that in the passage I have been discussing Tacitus has given himself away: he, as a member of the Roman ruling class, felt no reason to conceal his deep conviction that the ability to exercise, *whether for good or ill*, the proper degree of patronage to which a great man's position in society entitled him was indeed an essential ingredient in *libertas*. In the same way, he shows in two separate passages his instinctive feeling that senators who were financially embarrassed had a right to expect subventions from the emperor, without being obliged to give the sordid details of their financial situation: *Ann.* II.38.1 and 7-10 (cf. Section vi of this chapter and its n.101 below).

Modern historians have too often suffered from an unfortunate tendency to see the Roman concept of *libertas* either in much the same terms as the Roman ruling class saw it, or as something 'vague' and hardly worth taking seriously. The former tendency is exemplified in a very appreciative review by Momigliano, in *JRS* 41 (1951) 146 ff., of a much-praised book on *libertas* by Wirszubski (*LPIR*, 1950) – which, by the way, never discusses (and, unless I have missed something, ignores entirely) the passage from Tacitus' *Annals* (I.75.1-2) that I have emphasised above.⁴⁷ Momigliano reduces the interpretations that have been offered of *libertas* to two 'mutually exclusive' ones. According to the one he accepts, which he commends Wirszubski for adopting, 'Libertas is a juridical notion which, if properly analysed, proves to be identical with the notion of

Civitas' (Roman citizenship);⁴⁸ and he quotes Mommsen to that effect. He then proceeds to express disapproval of 'the other interpretation', according to which 'Libertas is a vague word which usually conceals egoistic interests'. This latter interpretation he attributes particularly to Syme, from whom he quotes two passages: 'Liberty and the Laws are high-sounding words. They will often be rendered, on a cool estimate, as privilege and vested interests' (RR 59); and 'Libertas is a vague and negative notion – freedom from the rule of a tyrant or faction. It follows that *libertas*, like *regnum* and *dominatio*, is a convenient term of political fraud' (RR 155). Wirszubski, actually, is driven in the end almost into Syme's camp. After quoting a few examples of 'vindictio in libertatem', used in conflicting senses, he admits that this phrase 'was a much used political catchword and became as vague as *libertas* itself' (LPIR 104, my italics).

This obscures the real issues. Syme's view is certainly the more realistic; and indeed he himself continues the passage from which I have just quoted (RR 155) by saying, '*Libertas* was most commonly invoked in defence of the existing order by individuals or classes in enjoyment of power and wealth. The *libertas* of the Roman aristocrat meant the rule of a class and the perpetuation of privilege.' This is perfectly true. And we can agree with Syme's commendation of a famous passage in Tacitus, to the effect that 'Nobody ever sought power for himself and the enslavement of others without invoking *libertas* and such fair names' (RR 155, quoting Tac., *Hist.* IV.73). At the same time, we need not discount *libertas* itself, with Syme, as merely 'a vague and negative notion' and 'a convenient term of political fraud'. 'Vague' is not at all the right word for the majority of the most interesting uses of the term 'libertas'. In most cases the meaning of 'libertas' is specific enough: the point is that it is capable of expressing very different and even contradictory notions. Certainly one particular kind of 'libertas', in which Wirszubski and Momigliano and others are mainly interested, and which they seem to regard as the most genuine one, can be treated as a 'primarily juridical notion' and made the subject of fairly precise analysis: this is the kind of 'libertas' of which Cicero was the great expositor.⁴⁹ Juridical analysis is not out of place here, for, as I have pointed out above, Cicero and his like (from the early Republic onwards) had made the law, and they would seldom if ever be disadvantaged by appealing to it. For Cicero himself, indeed, the constitutional law of Rome, at any rate before the Gracchan period, was the best that had ever existed in practice (see Cic., *De leg.* II.23; cf. *De rep.* II.53, 66). But in the Late Republic there was a totally different kind of 'libertas'; and to those who held it the Optimate version of *libertas*, that of Cicero & Co., was *servitus* ('slavery', political subjection), while their 'libertas' was stigmatised by Cicero as mere *licentia* ('licence', lawlessness)⁵⁰ – a word used also by the Roman rhetorician Cornificius as the equivalent of the standard Greek word for freedom of speech, *parrhēsia* (Quintil., *Inst. orat.* IX.ii.27; cf. V.iii above and its n.57 below). This is not the place to go into detail, and I can hardly do more than refer to one particular group of texts. Wirszubski never even mentions the very significant fact that when Clodius procured the exile of Cicero in 58 B.C., for having executed the Catilinarians without trial in 63 as consul (an act which Cicero of course saw as a necessary defence of his kind of 'libertas'), he also obtained a vote for the destruction of Cicero's grand house on the Palatine (purchased in 62, for HS 3½ million) and the erection on part of its grounds of a

shrine to *Libertas*⁵¹ – the personification of the very quality which, in the eyes of his opponents, Cicero had attacked! In his speech, *De domo suo ad pontifices*, Cicero equates Clodius' *Libertas* with the 'servitus' of the Roman People (§§ 110–11) and calls Clodius' statue of *Libertas* the image not of 'libertas publica' but of 'licentia' (§ 131); elsewhere he speaks of Clodius' shrine as a 'templum Licentiae' (*De leg.* II.42). The 'libertas' which was opposed to the Optimate variety can also be found in other texts.⁵²

As for the Optimate version of *Libertas*, to which Cicero subscribed, I suggest that it corresponds well with the opinion of a speaker who is represented as addressing his hearers as

if not equal all, yet free,
Equally free; for orders and degrees
Jar not with liberty, but well consist.

I fear, however, that some may deprecate my quoting this passage (*Paradise Lost* V.791–3) in the present context, for it comes from a speech by Satan, which Milton describes as delivered 'with calumnious art Of counterfeited truth' (770–1), to a concourse of demons.

Augustus himself was usually tactful enough to avoid stressing his own dominance in such a way as to remind senators publicly of what some of them regarded as their subjection, their *servitus* (literally, 'slavery'); and those of his successors who were 'good emperors' (that is to say, emperors of whom the Senate approved) persevered for some generations in the same tradition. In the early Principate the senator might well feel irked by his 'servitus', but under a 'good emperor' he would normally feel bound to suppress such dangerous emotions. I doubt if the Younger Pliny, for instance, was concealing any real qualms when composing in A.D. 100 the panegyric of Trajan to which I have referred above – to the modern reader at first sight, perhaps, a loathsomely dishonest document; but Pliny was surely expressing what he felt to be perfectly sincere sentiments of loyalty and gratitude when he declared that now 'the Princeps is not above the laws, but the laws are above the Princeps' (65.1); cf. Section vi of this chapter. In the same speech Pliny rejoices in the fact that Jupiter can now take things easy, since he has bestowed upon the emperor 'the task of performing his role towards the whole human race' (80.4–5). Most revealing of all, perhaps, is the passage (in 66.2–5) that begins, 'You order us to be free: we shall be' (*iubes esse liberos: erimus*). The words that follow show that this freedom is essentially a freedom of speech, a faculty that was particularly welcome to senators. The contrast Pliny proceeds to draw with the situation in the recent past under Domitian shows that even freedom of speech was indeed within the gift of the emperor. (Pliny's *Panegyricus* has recently been printed, with a good English translation, by Betty Radice, at the end of Vol. II of the improved reissue in the Loeb edition of Pliny's Letters, 1969.) Pliny's more intellectually sophisticated contemporary Tacitus could occasionally be very bitter about the Principate, but he was realist enough to understand that it was an absolute necessity, if an unfortunate one.

It would have been interesting to have Cicero's opinion, both public and private (there would have been a great difference), of the Principate of Augustus, which he did not live to experience. He did live through the much

more undisguised dictatorship of Julius Caesar, which he survived by less than two years. He conformed in public, sometimes (in his speech *Pro Marcello*, for instance) displaying a feigned enthusiasm which belied his true feelings; but in private, writing to his intimate friends, he could express himself with great bitterness. It was not just *libertas* which in his eyes he and his senatorial colleagues now lacked; even their *dignitas* was gone, for, as he said in a letter (*Ad fam.* IV.xiv.1), how could one possess *dignitas* when one could neither work for what one believed in nor advocate it openly? Would Cicero, then, have followed the example of those famous Roman Stoics, especially Thræsea Paetus and Helvidius Priscus, who in the 60s and 70s of the first century came out in open verbal opposition to Nero or Vespasian, and paid for their temerity with their lives? Perhaps. But Brutus, who knew Cicero well, could say in a letter to their friend Atticus that Cicero did not reject *servitus* provided it involved the reception of honours (*servitutem, honorificam modo, non aspernatur*: Cic., *Ep. ad Brut.* I.xvii.4; cf. 6; xvi.1, 4, 8). This was the attitude of the great majority of senators. The Emperor Tiberius, it was said, used to utter a bitter exclamation in Greek every time he left the Senate House, describing the senators as 'men ready for slavery' (Tac., *Ann.* III.65.3; cf. I.7.1, 12.1 etc.). A famous phrase of Cicero's, *cum dignitate otium*,⁵³ perfectly expresses the political ideal which he held in common with his fellow-Optimates; and whether or not Cicero himself would have found it realised in the Principate of Augustus, I have no doubt that most senators would have done. The precise meaning of the phrase *otium cum dignitate* has been much disputed. I accept Brunt's revealing paraphrase: 'an ordered state in which men were valued according to their rank in a hierarchical social structure' (SCRR 124; the whole passage, pp. 124-6, is well worth reading).⁵⁴

It is misleading, I believe, to regard the political change from Republic to Principate as a 'Roman Revolution' – the title of Syme's great work, to which I have referred above.⁵⁵ It has been claimed that what happened was 'a triumph of Italy over Rome' (Syme, *RR* 453), and that 'Italy and the non-political orders in society triumphed over Rome and the Roman aristocracy' (*RR* 8) – but if that is true in any sense at all, it is so only if we ignore the vast majority of the population, who had no share in any such 'triumph'. Just as the Patricio-Plebeian oligarchy of the Middle Republic was in most important ways very little different from the Patrician oligarchy it succeeded, so the governing class of the Principate retained (or acquired) most of the characteristics of their Late Republican predecessors. There was very little change in the economic system and not much in the general social complexion of Italy, except that the governing class was now drawn increasingly from the Italian towns instead of only from Rome itself, a process which had already begun under the Republic. Soon men of provincial origin entered the Senate, at first mainly from southern Gaul and Spain, but in the second century (after a trickle in the first) from the richer Greek provinces, Asia above all (see III.ii above and its nn. 11-12), and also from Africa. Even emperors were sometimes of 'provincial origin', in the sense that they came from families (sometimes old Italian ones) resident in a province: Trajan was born at Italica in Spain, near the modern Seville, and so probably was Hadrian; Septimius Severus came from an equestrian family of Lepcis Magna in Africa.

How much real change there was between Republic and Principate even in the political field is disputed. I myself would see it as essentially the completion of a

pyramid of power and patronage, involving the placing of a coping stone – admittedly a very large and heavy one – on top of the whole oppressive edifice. The *direct political role of the class struggle* in this change was, in my opinion, perhaps not a central one; but the very existence of the poorer classes, as a potential reservoir of unrest and a source from which soldiers might be recruited by an aspiring dynast, was a factor of fundamental importance in ultimately inducing the upper classes of Italy to accept as supreme ruler a man they knew to be by inclination entirely on their side against any conceivable kind of revolution from below. The Roman lower orders had rarely played any very important part in politics, except as members of the faction supporting an individual politician whom they believed to be a *popularis*; and in the period of transition to the Principate they were on the whole only too content to leave their own political destinies completely in the hands of Octavian/Augustus, whom – as the heir of the great *popularis*, Julius Caesar – they mistakenly regarded as their champion (see above). By the time the Principate was fully consolidated, it was too late. The Greeks, who had already become accustomed to Hellenistic kingship, usually saw less reason to conceal the reality of imperial power behind republican phraseology, and to them the emperor was a king, *basileus* (see the next section of this chapter). They had of course no option but to accept the Principate, which for them represented more gain than loss.

There has been much sneering talk about the Roman lower classes being content with 'bread and circuses' – a phrase of Juvenal's, whose derisive 'panem et circenses' (X.81) has echoed down the centuries,⁵⁶ (I am afraid that even Marx could see the situation in those terms, as when he spoke in a letter of the dispossessed peasants of the late Roman Republic as 'a mob of do-nothings more abject than the former "poor whites" in the South of the United States'.)⁵⁷ I myself find it hard to understand why so many of those who have written about the Roman world have thought it discreditable to the humble Roman that his prime concern should have been bread. I see no reason to think that the attitude of the common people was unpleasantly materialistic or degraded just because they thought first of filling their bellies. In any event, the 'bread' (see III.vi above) was received regularly by only a very limited number of the *plebs urbana* at Rome itself (and in the Later Empire at Constantinople); food and cash doles were provided now and again at other cities, on a small scale (and often with the humble entitled to a smaller share than the more distinguished citizens; cf. III.vi again); nor did the rural poor anywhere receive any such official dole. And the number of those who could attend 'circuses', even at Rome, as Balsdon has demonstrated,⁵⁸ was relatively small in relation to the size of the population of the capital. The Inaugural Lecture by Alan Cameron, entitled *Bread and Circuses: the Roman Emperor and his People* (1973), to which I referred in V.iii above, would be most instructive reading for those brought up on the traditional picture of the obsession of the 'Roman mob' with 'free bread and circuses'. As Cameron says (pp.2-3), 'That notorious idle mob of layabouts sponging off the state is little more than a figment of middle-class prejudice, ancient and modern alike.' And he adds, 'It was not the people's fault that, being in origin religious festivals, public entertainments were provided free' – as indeed they always had been. In point of fact the circus and the theatre sometimes played an important quasi-political role during the Roman Principate and Later Empire,⁵⁹ a subject I have

already touched on in V.iii above. It was certainly the *plebs urbana*, rather than the far greater number of peasants, who were in the best position to make their influence felt at Rome, if only as a kind of 'pressure group'. Their outstanding characteristic was that they were mainly very poor. It could be said of the workmen and peasants who agitated for the election of Marius as consul for 107 B.C.⁶⁰ that 'their assets and credit were embodied in their hands' (Sall., *BJ* 73.6). In 63 Sallust describes the Roman *plebs* as having no resources beyond their food and clothing (*Cat* 48.2; cf. Cic., *IV Cat.* 17); and when he writes of attempts made to rescue one of the revolutionaries of that year, P. Cornelius Lentulus Sura, by 'his freedmen and a few of his clients', he refers to their efforts as directed towards 'workmen and slaves' (*opifices atque servitia*; *Cat.* 50.1), as if the two groups might be expected to have much the same interests. It is impossible for us to tell how much fellow-feeling there was between the slaves at Rome and the *plebs urbana*, a fair proportion of whom are likely to have been freedmen. On one occasion, certainly, in A.D. 61, the common people of Rome made a violent if ineffective protest against the mass execution of the slaves of Pedanius Secundus (Tac., *Ann.* XIV.42-3; see VII.i below), but I know of no other important evidence.

(vi)

The Principate, the emperor and the upper classes

The Roman Principate was an extraordinary and unique institution. Gibbon hit it off admirably: the system of imperial government, as instituted by Augustus, can be defined as

an absolute monarchy disguised by the forms of a commonwealth. The masters of the Roman world surrounded their throne with darkness, concealed their irresistible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed (*DFRE* I.68).

(Anyone who reads Dio Cassius LII.31.1-2 will find an apt reflection of it in that passage of Gibbon's.)

One of the essential features of Greek democracy in the Classical period, as I said in V.ii above, was that it made every holder of power *hypeuthynos*, 'subject to audit' (*euthyna*), subject to examination and control by the whole citizen body or some court of law to which it delegated its supreme authority.¹ This was true both in theory and in practice. With the Hellenistic kingdoms and the Roman Principate we have already arrived at the opposite extreme – for what king or emperor will deign to make himself accountable, or how can accountability in any form be forced upon him? In his orations *On kingship*, Dio Chrysostom, writing in the early years of the second century (and thinking above all of the Roman emperor), specifically defines kingship (*basileia*) as rule that is 'not subject to account': the king and his monarchy are *anhypeuthynos* (III.43; LVI.5); the king is 'greater than the laws' (III.10), 'above the laws' (LXXVI.4); indeed, law (*nomos*) is the king's decree, his *dogma* (III.43). That was not the constitutional theory of the Principate, but it is a correct description of its practice. It could be said by a contemporary (albeit in a satirical skit) that Claudius, the third of the emperors after Augustus, 'used to put men to death as easily as a dog sits down' (Seneca, *Apocoloc.* 10).

I am not suggesting, of course, that the vast Roman world could ever have been ruled by anything resembling a democracy of the Greek type, which relied essentially – to put it crudely – on government by mass meeting, and could not have been applied to a large area without at any rate a development of representative and federal institutions far beyond anything the Greeks ever imagined.² Nor did the Greeks suffer any further loss of 'freedom', in any sense, when the Roman Republic foundered and the whole empire became subject to a single master who was 'not subject to account'. They had lost their freedom already, many of them well over a hundred years earlier, even if they enjoyed various degrees of internal autonomy (see V.iii and VI.iv above). Many modern scholars have seen the change from Republic to Principate far too much in terms of Rome and the Italian ruling class. The provinces had always been subject to rule that was 'not subject to account' by them, and there is no reason to think that the vast majority of their inhabitants resented the change. In the preceding section of this chapter I quoted the opinion of Tacitus (*Ann.* I.2.2) that the provinces, having learnt to distrust 'the rule of Senate and People', did not object to the introduction of the Principate of Augustus.

The Principate may be said to have lasted for some hundreds of years, for there was no essential change in its monarchical character (as I believe) so long as its centralised control remained – in the West, only until some time in the fifth century. How long one allows the 'Later Roman Empire' to have continued in the Greek East is a matter of taste; but even if one prefers to speak of a 'Byzantine Empire' from some date in, say, the sixth century or the first half of the seventh, the despotic character of the regime was fundamentally the same, very different as its external aspect was in some ways. It has long been customary for English-speakers to make a break between 'Principate' and 'Dominate', at the accession of the Emperor Diocletian in 284-5.³ I believe that any such distinction, based upon a supposed fundamental (or at least significant) change in the nature of imperial rule at the end of the third century, is misleading, because it takes appearance for reality. I do not deny that the outward forms of imperial rule and the terminology in which that rule was expressed did change by degrees during the first few centuries in the direction of even greater autocracy; but the emperor was always in reality an absolute monarch, however much he or his supporters might pretend the contrary – a pretence which, I would say, was by no means always insincere. I myself certainly find it convenient to distinguish between 'Principate' and 'Later Empire' ('Haut-Empire' and 'Bas-Empire'). To draw such a line is useful not only as a way of distinguishing two different chronological epochs: new elements did indeed enter in with the reigns of Diocletian and Constantine, but those which were formative and of major and lasting importance were not so much a transformation in the position of the ruler as an intensification of the forms of exploitation. The Later Roman colonate, reducing a large proportion of the free working peasants to serfdom; a new taxation system of far greater intensity and – in principle – efficiency; and a more extended use of conscription for the army: these were the features distinguishing 'Later Roman Empire' from 'Principate' which mattered most to most people and were of the greatest importance in the long run, and it was they which necessitated a further growth in the authority and prestige of the emperor, to reinforce the increased dominance of the ruling class. I shall briefly mention below the further exaltation

of the emperor in the sixth and seventh centuries, in response to intensified pressure on the empire from outside.

My purpose in this book is to reveal the realities of life in the Greek (and Roman) world, mainly as they affected the vast majority of the population, rather than the much more pleasant features of that life which the ruling classes commonly perceived or imagined. In dealing with the nature of imperial rule, therefore, I am far less interested in the subtle ways in which, for example, the self-satisfied Roman picture of the good ruler differed from, or resembled, the equally unreal Hellenistic portrait of the ideal king, or the variations that took place over the centuries in the sophisticated concepts of monarchy produced by philosophers and rhetoricians. Such questions (including the problems of 'ruler-cult') are well worth pursuing, and they have been exhaustively studied – if rarely with as much common sense and clear-sightedness as one could desire – in such monumental works as Fritz Taeger's *Charisma. Studien zur Geschichte des antiken Herrscherkultes* (2 vols, 1957 & 1960, nearly 1,200 pages), and Francis Dvornik's *Early Christian and Byzantine Political Philosophy: Origins and Background* (2 vols, 1966, nearly 1,000 pages), not to mention many others. Anyone who wants to read a brief and clear statement, setting out most sympathetically the benevolent intentions of the emperors, as expressed in their own propaganda, can hardly do better than read M. P. Charlesworth's Raleigh Lecture on History for 1937, where we are told of the imperial propaganda that 'Perhaps it would be fairer to call it not propaganda but the creation of goodwill. For it was very sober and truthful propaganda, and it was not far divorced from fact. The great emperors of the second century were very much in earnest, very much aware of their responsibilities; what they announced, the benefits they described, were real and positive; they did bring peace, they did erect great buildings and harbours, they did secure calm and quietude and happiness . . . Their propaganda was not promises for the vague future, but a reminder of genuine achievement' (Charlesworth, VRE 20-1).

By contrast, I am primarily concerned to show how imperial rule contributed to maintain a massive system of exploitation of the great majority by the upper classes.

In the long run, nothing was more important to the empire than the emperor's ability to direct foreign policy and to exercise effectively the supreme military command which always belonged to him. It was not absolutely necessary for him to take the field in person; but being under the direct command of an emperor who was a successful commander-in-chief could have an inspiring effect on the troops, and an emperor who knew something of military operations at first hand was more likely to make an informed choice of generals. Many emperors conducted military campaigns in person. Tiberius and Vespasian were successful generals before they became emperors; Trajan and Marcus Aurelius commanded in the field during their reigns; later, especially in the two centuries from Septimius Severus (193 ff.) to Theodosius I (who died in 395), many emperors spent much of their time on campaign. In this book I can do no more than emphasise, without going into detail, the very great importance of the emperor's role in all branches of what we call foreign affairs, including relations with outside powers and client states, general foreign policy, diplomacy, strategy and military operations – not to mention the organisation of

the army, and the taxation needed to provide for its requirements. I find it strange that a recent large-scale account of *The Emperor in the Roman World* (1977), by Fergus Millar, should virtually ignore financial policy and taxation, and make only a perfunctory mention of the emperor's role 'as a commander and in relation to the army, and his complex diplomatic relations with foreign powers and dependent kings' among 'many other elements which would need to be taken into account in any complete analysis even of the functions of an emperor, let alone of the entire cultural, social and political system within which he lived' (ERW 617-18). For Millar, 'the emperor was what the emperor did' (ERW xi & 6); but he has not sufficiently taken into account the loaded character of our evidence for 'what the emperor did'. Indeed, he gives what is almost a *reductio ad absurdum* of his own position when he admits that 'If we follow our evidence, we might almost come to believe that the primary role of the emperor was to listen to speeches in Greek'! (ERW 6). Allowing himself to be over-influenced by his own selection from the particular kinds of evidence that happen to have survived, Millar can speak of 'the essential passivity of the role expected of the emperor', and can say that 'the emperor's role in relation to his subjects was essentially that of listening to requests, and of hearing disputes'; he can even suggest that 'general edicts were in fact a relatively minor part of imperial business', simply because few general edicts are preserved on stone before the end of the third century (ERW 6, 256-7, my italics). Certainly, we must not expect to find emperors concerned to *change* their world, in the way that many modern governments are. Innovation was something the Roman upper classes always dreaded, and when it did take place it was likely to be dressed up as a return to ancestral tradition, the *mos maiorum* – as indeed the Principate of Augustus was represented as a restoration of the Republic. We can agree with Millar that 'the nature of the emperor's personal activities, and of the physical and social contexts in which they were conducted, was such as to exclude the initiation of change as a normal and expected function' (ERW 271). For this there was the best of reasons: the Roman ruling class as a whole perfectly fulfilled the definition of a Conservative (of the British variety) given recently by a leading academic figure in the Conservative Party, Lord Blake, Provost of The Queen's College, Oxford. Blake, reviewing in the *Times Literary Supplement* a biography of Balfour, quoted Balfour's answer to a question from Beatrice Webb: 'I am a Conservative. I wish to maintain existing institutions.' And Blake adds an opinion with which we can all wholeheartedly agree: 'This is, after all, much the best reason for being a Conservative, and it is undoubtedly the reason why the vast majority of Conservatives vote as they do' (TLS 4031, 27 June 1980, p. 724. Cf. Augustus, quoted by Macrobius, *Sat.* II. iv. 18, as cited in Section v of this chapter). I must add, in defence of Millar, that he never tries to introduce any limitation on the autocratic nature of the emperor's position, from the beginning to the end of the period with which his book deals (from the battle of Actium to the death of Constantine, 31 B.C. to A.D. 337). However, he makes no attempt to explain the social basis of the Principate, or how the office was transmitted, or even why a monarchy, so repugnant to the Roman aristocratic tradition, had become necessary.

* * * * *

The words commonly used in Latin to designate the emperor and his rule,

namely *princeps* and *principatus*,⁴ were not official titles⁵ but were terms familiar from the Late Republic, referring to the outstanding prestige, dignity and influence achieved by a – or the – leading man (or, with *principes* in the plural, leading men), normally of consular rank, and they were carefully chosen by Augustus to avoid any monarchical taint. In his account of his own achievements, his *Res Gestae*, Augustus referred to his own reign by the phrase 'when I was Princeps' (*me princeps*).⁶ He also drew an important distinction between his *auctoritas*⁷ and his *potestas* (RG 34.3).⁸ The latter word denotes legal powers constitutionally conferred: it can legitimately be translated 'power'. For *auctoritas* there is no English equivalent: perhaps a combination of 'prestige' and 'influence' best conveys its meaning. In the *Res Gestae* (34.3) Augustus chose to emphasise his pre-eminent *auctoritas* and to play down, not quite honestly, his *potestas*, which in reality was equally pre-eminent. A sentence in Cicero's speech against L. Calpurnius Piso Caesoninus (of 55 B.C.), describing an incident that had occurred at the end of 61, illustrates perfectly the contrast between the two qualities. Q. Caecilius Metellus Celer, who was merely consul designate (for 60) and thus enjoyed no *potestas*, but was a man of great prestige, prevented the performance of some games ordered by a tribune in defiance of a ruling of the Senate. 'That which he could not yet bring about by *potestas* [legal power],' Cicero says, 'he achieved by *auctoritas*' (*In Pis.* 8). The *auctoritas* of a Roman was his ability to command respect and obedience by the accumulation of personal qualities (including of course distinguished ancestry) and his own record of achievement, irrespective of constitutional powers. In this respect no Roman ever surpassed Augustus.

As we shall see presently, the Greeks very soon came to use for the emperor – and even to address him by – their word for legitimate king, *basileus* (and their term for his monarchy was *basileia*); but in Latin the corresponding words, *rex* and *regnum*, were studiously avoided during Republic and Principate, except as a term of abuse, as when Cicero denounces Tiberius Gracchus for aiming at *regnum* (see the end of Section II of this chapter), or writes of the regime in which Sulla had been personally dominant as the 'Sullanum regnum' (*Ad Att.* VIII.xi.2; IX.vii.3). According to Cicero, after the expulsion of Tarquin (when the Republic was created) the Roman people could not even bear to hear the title of 'king' (*nomen regis audire non poterat*: *De rep.* II.52; cf. III.47) – a statement which was certainly true of the Roman ruling class, about whose attitude alone we have adequate information. They used *rex* only for foreign kings (whether of independent states like Parthia or their own vassals), or as the virtual equivalent of the Greek *tyrannos*. I know of only one prominent exception to this rule during the Principate: Seneca, who in his *De clementia*, addressed to Nero in A.D. 55–6 (and much influenced by Hellenistic ideas), repeatedly uses *rex* and *regnum* in a good sense, coupling together *rex* and *princeps*, in the singular or plural, writing the word *rex* as a clear synonym for *princeps* or *imperator*, and using *rex* of the emperor himself without actually addressing him by that ill-omened title.⁹ In his *De beneficiis* Seneca goes so far as to say that the best condition of a State is under a just king (*cum optimus civitatis status sub rege iusto sit*, II.xx.2).¹⁰ I can only endorse what Miriam Griffin has said on this subject in her book on Seneca,¹¹ merely adding that one may feel that had Seneca lived half a century earlier or later, under Augustus or Trajan, he might well have used *rex* and its cognates

more sparingly; he might have avoided drawing a contrast between *reges* and *tyranni* (as in *De dem.* I.xi.4; xii.3; *Epist. mor.* 114.23–4) and have preferred to speak instead of an opposition between *principatus* and *dominatio*, as the Younger Pliny did in A.D. 100 in his *Panegyricus* (45.3), from which I have quoted in the preceding section of this chapter.¹²

In the end, however, *rex* and *regnum* became permissible descriptions of imperial rule in the Latin West, as *basileus* and *basileia* had always been in the Greek East (see the next paragraph). By the year 400 the poet Claudian, repudiating the notion that the rule of a superior Princeps was *servitium* (total political subjection, literally 'slavery'), could go on to say, 'Never is liberty appreciated more than under a good *rex*' (*Stil.* III.113–15).¹³ And if we are tempted to dismiss Claudian as an Alexandrian Greek writing in Latin and in verse, we can turn to a Western Christian writer of the same period (the last years of the fourth century and the first of the fifth), Sulpicius Severus of Aquitaine, who very often uses the term *rex* of an emperor, as an alternative to *imperator* and *princeps*, all three expressions once appearing in a single short sentence (*Chron.* II.42.6; cf. *Vita S. Martin.* 20.1–7 etc.). I do not know when an emperor is first recorded as referring to his own rule as *regnum* in an official context, but there is a clear example in the Emperor Majorian's address to the Roman Senate in 458 (*Nov. Major.* I.1). According to his opening words, it is the Senate and the army which have made him *imperator*; and in the next sentence he can also use the terms sanctified by tradition, referring to his rule as a *principatus* and to the state as the *res publica*. Yet in that second sentence he can also speak of his *regnum* (in the institutional sense, not the geographical), a word which can now be used without shame, not only by the emperor himself but also by his panegyrist – or 'poet, if we may degrade that sacred name', as Gibbon put it (*DFRE* IV.13) – according to whom 'ordo omnis *regnum* dederat, plebs, curia, miles, Et collega simul'. The panegyrist, or poet, is Sidonius Apollinaris (*Carm.* V.387–8), later a bishop, and described by Stein as 'pour nous le dernier poète et prosateur latin de l'Antiquité' (*HBE* I.369).

The standard title the Greeks commonly employed for the emperor was *autokratōr*, the normal Greek translation of the Latin *imperator*. This is interesting in itself, as the Greek term, although not so highly charged with military significance, emphasises the arbitrary element in the power of the holder of *imperium*, in a way that *imperator* hardly does, and *princeps* of course not at all. The Greeks also referred to the emperor as their *basileus*, their king. The poet Antipater of Thessalonica refers to Augustus as his *basileus* in a poem (*Anth. Pal.* X.25) probably written as early as 9 B.C. (or perhaps a few years later).¹⁴ It is sometimes said that *basileus* is not used of the emperor in prose before the second century;¹⁵ but this is false. Strabo, writing under Tiberius, seems to me to be using *basileus* in one passage for the emperor (XVII.i.12, p.797); and even if this is wrong, there is no doubt that Josephus, in his *Jewish War* (dating from the 70s, and originally written in Aramaic), applies this term to emperors on several occasions.¹⁶ Dio Chrysostom also uses the noun *basileus* and the verb *basileuein* of the Roman emperors,¹⁷ in particular in a speech that is very probably to be dated in the early 70s and anyway not later than the 80s (XXXI.150, 151).¹⁸ New Testament texts, too, sometimes refer to the emperors as *basileis*.¹⁹ During the second and third centuries the use of *basileus* and its cognates for the emperors

became increasingly common.²⁰ A particularly interesting passage is Appian, *Praef.* 6 (cf. 14): the Roman Republic, we are told, was an *aristokratia* until Julius Caesar made himself *monarchos*, while preserving the form and name (the *schēma* and *onoma*) of the *politeia* (the *res publica*: we can translate 'the Republic'). This form of rule, under one man, Appian saw as persisting until the time at which he was writing, the second quarter of the second century. The Romans, he continues, call their rulers not *basileis* but *autokratores* (Appian means of course 'not *reges* but *imperatores*'), 'although in fact they are *basileis* in all respects'. Greeks addressing an emperor in their own language would often call him 'basileus'; and the second-century jurist Maecianus, in a passage preserved in the *Digest*, records a petition from Eudaemon of Nicomedia to the Emperor Antoninus Pius (138-161), addressing him as 'Antoninos basileus' and opening with the words 'Kyrie basileu Antonini', 'My lord King Antoninus' (*Dig.* XIV.ii.9).²¹ By the early third century we begin to find emperors referring to their own rule as *basileia*, when writing to Greeks (see Millar, *ERW* 417, 614), but for several centuries they did not formally adopt *basileus* as their official title. Synesius of Cyrene, addressing the Eastern Emperor Arcadius in 399 in a treatise *On kingship* (*Peri basileias*, in Latin *De regno*), could still say that the emperors, while deservedly addressed as *basileis*, preferred to style themselves *autokratores* (§ 13, in *MPG* LXVI.1085). Only with Heraclius, in the early seventh century, do we find a new imperial titulature in which that emperor and his son first describe themselves (in Greek) as *pistoi en Christōi augoustoi* ('Augusti, faithful believers in Christ') and then, from 629 onwards, as *pistoi en Christōi basileis*.²² Those who can understand Greek may derive much amusement from a reading of the first six chapters or sections (only five pages long) of that curious work by John the Lydian usually known by its Latin title, *De magistratibus populi Romani*, written just after the middle of the sixth century, in the reign of Justinian.²³ John was a Latin enthusiast, eager to show off his command of that language and his grasp (which was in fact very feeble) of the early history of Roman institutions, from the time of Romulus (if not Aeneas!) onwards. He usually employs the Greek word *basileus* in the sense of the Latin *princeps*, and as the opposite of *tyrannos*. For the early kings of Rome, who to him were *tyrannoi*, he uses a Greek transliteration, *rēx* (ῥήξ), which had come into occasional use in Greek in the fourth century.

* * * * *

The empire centred in the emperor. His role was always primary, but from the mid-third century onwards, when barbarian irruptions began to threaten the very fabric of the empire, and the social evils the regime bred within itself became more apparent and more evidently harmful, the personal ability of the emperor, above all in the military sphere, became a matter of far greater importance. First-century Rome was strong enough to 'carry' a Caligula or a Nero, and second-century Rome a Commodus; Rome of the late third and fourth centuries could afford no such dangerous luxuries, especially as the emperor was now even more of a master than ever. The need produced the men: for a little over a hundred years, from the accession of Diocletian in 284 to the death of Theodosius I in 395, a succession of mainly very able and sometimes heroic figures occupied the imperial throne. For Graeco-Romans like Ammianus

Marcellinus (in the late fourth century), needless to say, no alternative to the rule of an emperor was conceivable. As Ammianus says (XIX.xii.17), 'The safety of the legitimate Princeps, the champion and defender of good men, on whom depends the safety of others, ought to be protected by the united efforts of everyone', and 'no right-thinking man could object' to the fact that in investigations of the crime of treason (*maiestas*) Roman law allowed not even the greatest men their usual exemption from torture, now inflicted as a matter of routine on members of the lower classes involved in legal process (see VIII.i below). Unnecessary haughtiness in an emperor might be out of place, and when the emperor was commanding his troops in the field he could behave as any great general should, and need not put too much distance between himself and his men. Ammianus evidently counts it a virtue in the Emperor Julian that when he and his army were in great difficulties in the last stages of their Persian campaign in 363 Julian 'had no dainties provided for his dinner, after the manner of royalty [*ex regio more*], but a small serving of pottage under the low poles of a tent' (XXV.ii.2). On all other occasions complete dignity was essential; and it is interesting to find Ammianus praising Constantius II (of whom he is often very critical) because he 'maintained in every way the prestige of the imperial majesty, and his great and lofty spirit disdained popularity' (XXI.xvi.1), and criticising his beloved Julian because when he heard of the arrival of the 'philosopher' Maximus of Ephesus, whom he greatly admired, he jumped up in the middle of a lawsuit he was trying and ran to receive and kiss the man (XXII.vii.3). At the end of his sumptuous narrative of the entry of Constantius II into Rome in 357, Ammianus makes what may appear at first sight to be an ironic commentary on the personality and behaviour of the emperor:

Saluted as Augustus, he never stirred when the roar thundered back from the hills and shores: he showed himself to be the very same man, and just as imperturbable, as when he was in his provinces. For he both stooped when passing through lofty gates (although he was very short) and, as if his neck were fastened, he kept his gaze straight ahead and did not turn his face to right or left; and – as if he were a sculpted figure – he was never seen to droop his head when his carriage-wheel jolted, or to spit, or to wipe or rub his face or nose or move his hand. Although this was a studied attitude on his part, yet these and certain other features of his inner life were indications of no ordinary endurance, or so it was given out, granted to him alone (XVI.x.9-11; cf. XXI.xvi.7).

There is no real irony in this passage: Constantius was behaving exactly as a Roman emperor should. The atmosphere had undoubtedly changed since the first century, when imperial arrogance and even aloofness could be stigmatised as alien to the *civilitas* expected of a Princeps; but the essential reality, as opposed to outward show, remained much as it always had been. To their credit, the Roman emperors, in the period covered by this book, never described themselves in the ludicrously grandiloquent way that was characteristic of their Persian counterparts. In Ammianus' version of their correspondence in 358, King Shapur II of Persia and the Emperor Constantius II could call each other 'brother'; but Shapur, in his arrogant letter to Constantius, styles himself 'king of kings, partner of the stars, brother of the sun and moon', whereas Constantius, in his haughty reply, is content to describe himself as 'victor by land and sea, perpetual Augustus' (XVII.v.3, 10).

* * * * *

Occasionally in modern books one encounters the seriously false notion that there was a *necessary* and deep-rooted conflict between the emperor and 'the Senate' or 'the aristocracy'. There is a recent example in an article by Keith Hopkins (EMRE = SAS, ed. Finley, 103-20), which speaks again and again of 'tension', 'conflict' or 'hostility' between the emperor and the senatorial aristocracy collectively (SAS 107, 112, 113, 116, 119), even of the emperor's 'battle against aristocrats', and of all the emperors as 'necessarily engaged with the aristocracy in a struggle for power' (SAS 115, 112). Hopkins complains that there is 'a tendency among modern historians to minimise this conflict'; and while candidly admitting that 'of course it is difficult or impossible to *prove* its importance', he thinks there is 'massive evidence for it' (which he does not produce) in Tacitus, Suetonius, Dio Cassius and the *Historia Augusta* (SAS 107).

This theory is essentially false. There are two major elements of truth in it and two only. First, any serious revolt against an emperor would nearly always be led by a *member or members* of the aristocracy, for only such men would have enough wealth, prestige and influence to have any chance of success. But no substantial part of the senatorial aristocracy is ever found taking part in a revolution against an emperor without lining up at the same time behind some other claimant to the imperial throne, more often than not a senator himself. Never again after the assassination of Gaius in 41 do we hear of any serious consideration being given, even by the Senate, to the idea of 'restoring the Republic'.²⁴ And secondly, the emperor, like no one else, was personally responsible for the whole empire and was liable to face assassination or a military revolt if things went too badly wrong; and he might therefore be obliged to put a curb on excessive oppression or exploitation by individual holders of key posts, such as provincial governors – of whom the most important, of course, would be senators (see below).

The truth is, therefore, that although an *individual emperor* might act in such a way as to make the senatorial aristocracy detest him, their remedy for such a situation was always to try to *replace him by another emperor*. It is permissible, then, to speak of 'tension, conflict or hostility' (see above) between an emperor, or *some* emperors, and the aristocracy, but not between *the* emperor and the aristocracy. It is a mistake to pay too much attention to the few emperors like Gaius (Caligula), Nero, Domitian, Commodus and Caracalla – who were driven not only by an autocratic disposition but also by extreme tactlessness, and some of them by objectionable personal qualities – and to forget that the vast majority of senators would gladly accept, provided it was made sufficiently *honorifica* (as it usually was), a status which their republican ancestors might have stigmatised as *servitus* (cf. Section v of this chapter, e.g. on Brutus' opinion of Cicero). Serious opposition in principle to the rule of the emperors as such died out, as far as we know, early in the Principate, and thereafter we find nothing more deep-seated than criticism of an individual ruler, at most with the aim of replacing him with a more acceptable one. As we shall see later, when considering the question of imperial succession, the Senate did not even aspire to play a decisive role in the process of choosing the next emperor, and, until the seventh century, it did so in practice on only two occasions, in 275 and 518 (see below). In general the Senate would accept with resignation, sometimes even with enthusiasm, an emperor who treated them with tact (especially gratifying

if it amounted to assumed deference), gave them jurisdiction over their own members, and only executed those who were guilty of open rebellion. To give just one example of imperial tact – it is entirely characteristic of Augustus that in the famous series of edicts of the last years B.C. found at Cyrene (E/J² 311) he should use peremptory language²⁵ when laying down the law concerning procedure in the province, but substitute the polite phrase 'Governors of Crete and Cyrene will be acting fairly and conveniently in my eyes if, . . .',²⁶ when in effect giving orders directly to the proconsul, who was of course a senator.

Certain imperial freedmen in the early Principate and soldiers or eunuchs in the Later Empire might acquire great importance *as individuals*, but in the long run the imperial system could rely upon the support of the senators *as a class*: the great majority of the emperors realised this and received that support. Even a man like Stilicho, who for more than a decade before his death in 408 virtually acted as regent for the Western Emperor Honorius (to whom he was completely loyal), did his best to enlist the co-operation of the Roman Senate, in spite of the fact that it despised him as a jumped-up nobody, the son of a Vandal officer. He did so, as Alan Cameron has said, 'quite simply because the co-operation of a body of men who between them absorbed a major part of the resources of Italy, Gaul, Spain and Africa was essential for the administration of the western provinces' (*Claudian* 233). The Eastern senators, of Constantinople, were never quite as much of a force in government or administration as their Western colleagues, at Rome;²⁷ but the emperors treated them with studied politeness, and Theodosius II in 446, by an edict retained in Justinian's Code, went so far as to assure their *gloriosissimus coetus* that all new legislation would first be submitted for their approval (CJ I.xiv.8). Only in the latter part of the third century, by a process already noticeable under Gallienus in the 260s and culminating in the reign of Diocletian and his colleagues (under whom the great majority of provincial governorships were held by equestrians), is there any trace of a deliberate policy of excluding senators from positions of power;²⁸ and Diocletian's policy was reversed under Constantine and his sons, with the result that (as we shall see towards the end of this section) the senatorial order grew apace and by the early fifth century had become the sole imperial aristocracy.

* * * * *

It is interesting to read the remark of Suetonius that the Emperor Domitian – notoriously a 'bad emperor' (that is to say, an emperor the Senate disliked) – 'took such care in coercing the city magistrates and provincial governors that never at any time were they more moderate or more just. Since Domitian's time we have seen most of them guilty of all crimes' (*Dom.* 8.2). Now Suetonius was basically very hostile to Domitian, and he is speaking here of his own times and from his own personal observation: he was probably in his late twenties at the assassination of Domitian in 96, and he continued to live under Nerva, Trajan and Hadrian, who were officially 'good emperors' (Nerva and Trajan in particular). Brunt, in his detailed and accurate account of the prosecutions of provincial governors during the early Principate (CPMEP), doubts the statement of Suetonius;²⁹ but I see no very good reason to follow him here: the second part of Suetonius' statement at any rate will seem quite credible to anyone who has studied the letters of the Younger Pliny, a rather older contem-

porary of Suetonius and, like his friend Tacitus, a distinguished consular. It is all too clear from these letters that the Senate tended to adopt an extremely indulgent attitude to some of the members of its order who had committed even the most shocking crimes during their administration of provinces – even to the notorious Marius Priscus, who as proconsul of Africa in 97–8 (under the Emperor Nerva) had been guilty of appalling cruelty (*immanitas* and *saevitia*: Pliny, *Ep.* II.xi.2). Although prosecuted by Tacitus and Pliny on behalf of some of the provincials concerned in 99–100, before a Senate presided over by the *optimus princeps* Trajan, as consul (*ibid.* 10), Marius received only the very light sentence of *relegatio* (banishment, but without loss of property or civil rights) from Italy, and payment into the Treasury of a particular bribe of HS 700,000 he had taken for having a Roman knight flogged and strangled (*ibid.* 8, 19–22). In such a case the provincials themselves received no redress whatever, beyond such satisfaction as they might derive from observing the punishment (mild as it was); yet Pliny, counsel for the province, shows no sign of dissatisfaction. It is interesting to compare the attitude of the satirist Juvenal, who occupied a much less exalted position in Roman society: he sympathises with the province Marius had plundered because, though victorious, it could only mourn – ‘At tu, victrix provincia, ploras’ (*Sat.* I.45–50; cf. VIII.87–145). In another letter Pliny describes with much self-satisfaction his activities in A.D. 97, shortly before the beginning of Trajan’s reign, when he began an attack on a praetorian senator, Publicius Certus. Here he makes a most illuminating remark: resentment had been felt against the senatorial order ‘because, although severe against others, the Senate spared senators alone, as if by mutual connivance’ (*dissimulatione quasi mutua*: *Ep.* IX.xiii.21). His claim to have freed the Senate from this invidious position by his attack on the not very important Certus is of course a ludicrous exaggeration. But not even a ‘good emperor’ like Trajan, whose relations with the Senate were particularly cordial, could allow unlimited plundering by a proconsul like Marius Priscus – or Caecilius Classicus, who governed Baetica, also in 97–8, and had boasted in a letter to his girl-friend (*amica*) at Rome of having made a cool HS 4 million profit by ‘selling’ provincials: in his own words, read out by Pliny, *parte vendita Baeticorum* (*Ep.* III.ix.13). Such unabashed rapacity will make any reader of Machiavelli’s *Discourses on the First Decade of Livy* remember the passage that stresses the desirability of having a single ruler, responsible for the whole State, to restrain the depredations of Machiavelli’s over-mighty *gentiluomini*, who so often remind us of the Roman upper classes (cf. III.iii above and its n.6 below):

Where the material is so corrupt laws do not suffice to keep it in hand: it is necessary to have, besides laws, a superior force, such as appertains to a monarch, who has such absolute and overwhelming power that he can restrain excesses due to ambition and the corrupt practices of the powerful (I.55).

I am not suggesting Domitian’s reputation as a ‘bad emperor’ was due in any important way to a refusal to allow senatorial governors to plunder their provinces, or that it was a characteristic of ‘bad emperors’ to be exceptionally solicitous for the welfare of their provincial subjects, although I feel that any such courses of action by an emperor would be likely to contribute to his achieving that reputation.

I have represented the emperor’s role as being above all the reinforcement of

the whole social and political system and making it a stronger and more efficient instrument for the exploitation of the great majority. There is no inconsistency between this and the approving reference I have just made to Machiavelli. It was very necessary for the emperors to repress *individui* who greatly overstepped the mark and indulged in acts which, if allowed to continue and spread, might disturb and endanger the whole system. Even slaves could receive some legal protection against intolerable treatment, sometimes for the express reason that this was ultimately *in the interests of masters* collectively (see VII.iii below and its nn.6–7). Similarly, an emperor could express solicitude for taxpayers on the ground that they needed to be protected against greedy officials, *in order to be able to pay their taxes in full* (see e.g. *Nov. J.* VIII. esp. *praej.*, *pr.*, 1; cf. my SVP 47–8).

I shall mention only one or two examples of the many imperial pronouncements we happen to know which seek to protect the poor and weak against oppression by the rich and powerful. In the fourth century we find the post of *defensor* (sometimes *defensor civitatis*, or *defensor plebis*), which from early in the joint reign of Valentinian I and Valens at least (c. 368 ff.) was intended to afford protection to the ordinary provincial, although of course it largely failed to fulfil its intended function.³⁰ The *Third Novel* of the Emperor Majorian, in 458, is an interesting belated attempt to restore the importance and usefulness of the *defensores*. And I may recall what I have said earlier about a series of ineffectual attempts made by the emperors to abolish or restrict certain forms of rural patronage (see IV.ii above, *ad fin.*; and, briefly, my SVP 45 and n.2). Now it has been said that the earliest surviving enactment in which an emperor is known to have denounced the oppressive patronage rights exercised by the *potentiores* (the ‘over-powerful’) is a constitution, *CJ* II.xiii.1.*pr.*, of the Emperor Claudius II Gothicus (A.D. 268–70).³¹ However, we must not infer from this that the great men did not begin seriously to abuse their power until the mid-third century. All we have a right to say is that the activities of the *potentiores* were not felt by the government as a serious threat until the central power was greatly weakened in the second quarter of the third century by a new wave of ‘barbarian’ invasions and civil wars (cf. VIII.iii below and my SVP 44). I mentioned in Section v of this chapter the passage in which Sallust speaks of a neighbouring *potentior* driving off the land the parents or children of a peasant absent on military service during the Late Republic (*BJ* 41.8); and there are other references from the Late Republic and Early Principate to actual or potential oppression of the poor and humble by *potentes*, *potentiores* or *praevalidi*.³² Numerous examples of imperial rescripts, responding to specific complaints of maltreatment, survive from long before 268 (see e.g. Millar, *ERW* 240–52). For the sinister role of the *potentiores* in the Later Empire, see VIII.iv and its n.43 below. I must add that some of the Christian churches which were great landlords, especially of course the Church of Rome (see IV.iii and its n.47), might figure prominently among the *potentiores*: unless restrained by their bishop, they could probably ill-treat their tenants more or less as they pleased (see the end of IV.ii above).

* * * * *

The position of the Emperor has been conceived in very different ways in modern times, and indeed there were basic contradictions at the very heart of the official version of it. I shall begin by summarising what are to a considerable

degree the opinions of Jones (LRE I.321-6) – which are all the more striking in that they refer particularly to the Later Empire. The emperor was (1) the direct successor of a line of elected Republican magistrates; (2) his very sovereignty was derived (it was said) from a voluntary surrender to him by the People of their own sovereign power; (3) if he were to be more than a mere usurper, a 'tyrant', his assumption of power had to be approved by at least Senate and Army; (4) his position did not pass automatically by hereditary succession; and (5) above all, perhaps, he was expected to submit himself to the laws. The Greeks had always proudly contrasted their own freedom with the 'slavery' (as they conceived it) to the Great King of all members of the Persian empire, including even the satraps – who might well have been astonished, I suspect, at being so described. When the satisfied Roman or Greek depicted his own position, he might characterise it as a middle status between the slavery of the Persian to his king and the lawless licence of the German 'barbarian'. Pope Gregory the Great distinguished 'barbarian kings' (*reges gentium*) from Roman emperors in that the former were masters of slaves, the latter of free men (*Ep.* XI.4; XIII.34).³³

That is the brighter side of the picture. I shall maintain that in reality it is deeply misleading. My own position is much nearer to that of Mommsen: I am not referring to his much-quoted but unhelpful notion of a 'dyarchy' between Princeps and Senate, but to his description of the Principate as 'autocracy tempered by legally permanent revolution, not only in practice but also in theory' (*Röm. Staatsr.* II³.ii.1133).³⁴ Against each of the five elements I have mentioned there were factors operating in an opposite direction, which I shall describe, and illustrate mainly from Greek authors, in the sense of men originating in the Greek East, whether they wrote in Greek or – like the historian Ammianus Marcellinus and the poet Claudian – in Latin.³⁵

(1) For some two centuries, from Augustus onwards, the conception of the Princeps as the heir of the Republican magistrate may have had some faint shadow of reality, but by the third century – and some would say, long before that – the ancestry was far too remote for anyone to be able to take it seriously. The Princeps, although not officially numbered among the gods of the Roman state until he was dead and had been formally consecrated *divus* by the Senate (see below), already in his lifetime was credited with a kind of divinity in dedications and celebrations by many of his subjects; and from Diocletian's reign onwards he became a more remote and lofty figure, surrounded with greater pomp and approached by his subjects with the ceremony of *adoratio*, 'adoring the purple', in place of the traditional *salutatio*. (If some of the ritual reproduced that of the Persian court, the process of development was none the less an internal one.) The imperial treasury was now referred to as the *sacrae largitiones*, the imperial bedchamber as the *sacrum cubiculum*: 'sacred', in such contexts, had come to mean 'imperial'. The acceptance of Christianity by Constantine (and all his successors except Julian) meant that a firm line had to be drawn between emperor and God; but the person of the emperor, as God's vice-gerent on earth, became if anything even more sacred (see below).

Again, (2), in reality, the alleged transfer of power by the People to the Princeps was virtually a fiction from the first, for the prerogative of the People to play a formative part in the process of law-making, and its exercise of sovereign power, hardly survived the Republic and soon came to be exercised

by the Senate. Certainly, according to a famous and much-quoted extract in the *Digest* from the *Institutes* of Ulpian (the great Severan lawyer who died in 223), 'whatever the Princeps decides has the force of law' (*legis habet vigorem*), and this is based explicitly upon the allegation that by a *lex regia* the *populus* confers on the Princeps all its own *imperium* and *potestas* (*Dig.* I.iv.1.pr.; repeated in *Inst.* I.ii.6). And Ulpian goes on to say that any pronouncement by the Princeps (the most general term is *constitutio*) in one of the recognised forms (which he specifies) is admitted to be law (*legem esse constat*; *Dig.* I.iv.1.1; repeated in *Inst.* I.ii.6, loc. cit.). Similarly, the *Digest* quotes a statement from the mid-second-century legal manual of Pomponius to the effect that 'what the Princeps himself enacts must be observed as if it were a law' (*pro lege*; *Dig.* I.ii.2.12). An interesting point is made in the *Institutes* of Gaius (of about the mid-second century): 'It has never been doubted,' says Gaius, 'that a *constitutio* of the Princeps takes the same place as a law' (*legis vicem*), 'since the emperor himself receives his supreme power [*imperium*] through a law' (I.5) – Ulpian's '*lex regia*', of course.

In the Capitoline Museum at Rome there is the surviving portion of a famous bronze tablet, discovered (built into an altar in the Church of St. John Lateran) and displayed in the 1340s by Cola di Rienzi, which gives us our one surviving example of such a '*lex regia*': this is the so-called '*Lex de imperio Vespasiani*' (*ILS* 244 = *FIRA*² I.154-6, no.15 = *E/J*² 364; there are translations in *ARS* 149-50, no.183; Lewis and Reinhold, *RC* II.89-90, etc.). This document, of A.D. 70, has been discussed and reinterpreted again and again: I accept in all essentials the masterly analysis by P. A. Brunt, in *JRS* 67 (1977) 95-116 (with a text, 103), according to which the 'lex' conferred on Vespasian all the powers customarily voted to a Princeps, and much of it went back to the accession of Tiberius in 14. Although this enactment calls itself a 'lex' (line 29), its language is that of a resolution of the Senate, a *senatus consultum*, and evidently the essential part of its passage was its origin in the Senate, its perfunctory endorsement in the Assembly (the *comitia*) being regarded as relatively unimportant, although only that could technically make it a *lex*.³⁶ In a passage in the *Digest* which may be described as naïve or realistic, according to taste, the legal writer Pomponius remarks that *senatus consulta* had come to take the place of *leges*, enacted by the *comitia* or *concilium plebis*, because it was so difficult for the large number of citizens to meet together! (*Dig.* I.ii.2.9).³⁷ We may note Brunt's shrewd observation that the real reason why a *senatus consultum*, early in the Principate, came to be regarded as having the force of law, just like a comitial decision – and, for that matter, the opinions of authorised legal experts, the *responsa prudentium*³⁸ – was that it could be taken to have the authority of the Princeps behind it (Brunt, op. cit. 112).

Unfortunately the '*Lex de imperio Vespasiani*' is incomplete: we lack the opening portion, and we cannot say how long this was or what it contained. But the powers it confers on the emperor are very wide, limitless indeed: see especially clause VI, lines 17-21, where the same powers are said to have been granted to Augustus and his successors. This makes it unnecessary to discuss the complicated question what is meant by various statements in the legal and literary sources to the effect that the Princeps is 'freed from the laws'. I will only say that although the '*Lex de imperio Vespasiani*' specifically exempts the emperor from a certain number of laws only (lines 22-5; cf. 25-8, clause VII),

and although the legal texts all seem to relate to the laws of marriage, inheritance and testament, there are statements by Dio Cassius which show that in his day (the first half of the third century) the Princeps was evidently regarded as freed from all laws (LIII.18.1-2; 28.2-3).³⁹ Some will say that he was 'expected' to obey the laws, subject to his right to change them; but I cannot myself attach significance to this, there being no effective sanctions to enforce any such expectation.

The last piece of 'statute law' that we know to have been voted by the Assembly (the *comitia* or *concilium plebis*) is an agrarian law of the Emperor Nerva (Dig. XLVII.xxi.3.1, A.D. 96-8);⁴⁰ and there is no reason to think that legislative assemblies lasted long into the second century. Electoral assemblies certainly survived much longer, into the early third century indeed, for Dio Cassius speaks of them as existing in his own day (XXXVII.28.3; LVIII.20.4), although it is clear that their role was unimportant and that from some time in the second century they had done no more than formally endorse a single list of candidates. The purely formal enactment by the *comitia* of the senatorial 'leges de imperio', although we have no positive evidence after the first century, probably continued at least as long as the electoral assemblies: both presumably died out during the half-century of general anarchy that ended only with Diocletian (see Brunt, *op. cit.* 108). I would suppose that the *Historia Augusta* is being merely inventive when it purports to describe an assembly in the Campus Martius (a *comitia centuriata*, therefore) on the accession of the Emperor Tacitus in 275; and in any event, the assembly is represented mainly as giving vent to acclamations (*Vita Tac.* 7.2-4). By now, and indeed two centuries earlier, the way the common people expressed their feelings was not in any sovereign Assembly but by a noisy demonstration in a place of public entertainment: the theatre or amphitheatre, or (in a city which had one) the hippodrome⁴¹ (see V.iii above).

Even so good a historian as Norman Baynes could take seriously the role of the People in legitimising the rule of an emperor: 'The necessity for the acclamation of the People, if the claimant to the throne is to be constituted the legitimate ruler of the Roman empire,' he says, 'lives on throughout East Roman history. Even under the Palaeologi that tradition is preserved' (*BSOE* 32-3).⁴² To speak like this is to treat constitutional fiction with undue respect; and in any event the statement needs to be modified so as to refer to 'the acclamation of *even a minute fraction* of the People' – for under the Principate there soon ceased to be any democratic institutions whatever through which any significant fraction of the People could be consulted and express their will, had there been any wish to ascertain it, as of course there was not! As we saw near the end of V.iii above, a fulsome speech in praise of Rome by a Greek orator of the mid-second century, Aelius Aristides, solemnly declared that the Roman empire was a kind of ideal democracy, because all the people had willingly surrendered their right to rule into the hands of the man best fitted to rule: the emperor (*Orat.* XXVI.60, 90, cf. 31-9). But this was merely the final corruption of political thinking, the result of a long process by which the original democratic institutions of the Greek cities, and the democratic elements in the Roman constitution (such as they were), had been deliberately stamped out by the joint efforts of the rulers of the Roman world and the Greek and Roman propertied classes (see V.iii above and Appendix IV below). Much rhetoric was devoted by

the emperors and their propagandists to claims that they ruled by the universal *consensus* of men (Augustus, *Res gestae* 34.1; cf. 25.2), or even of men and gods (Val. Max., *praef.*; Tac., *Hist.* I.15 etc.). Augustus' claim (*Res gestae* 34.1) that by 28/7 B.C. he had gained 'complete control of everything by the consent of everyone' had much to justify it: he certainly lived more than forty years after reaching the summit of power, and died in his bed. Later, the absurd fiction that the consent of the people had actually been given to the rule of the Princeps served only to conceal the reality and make the constitutional propriety of the regime an even more flagrant deception. Yet lip-service was repeatedly paid to it, even by those who knew its falsity. The historian Herodian, writing around the middle of the third century, could say openly near the beginning of his work that with Augustus the Roman hereditary oligarchy (*dynastia*) became a *monarchia* (I.i.4). Yet when he is putting speeches into the mouths of new emperors, or referring to the messages of ambassadors sent by such an emperor or by the Roman Senate, he will solemnly speak of 'the Roman People' as having control of the imperial office (II.8.4; IV.15.7; VII.7.5; VIII.7.4-5).

As for (3) the need for a 'legitimate' emperor to obtain the approval of Senate and Army, it was often only a small fraction of the army whose *acclamatio* created an Augustus, a Caesar, or one who turned out to be a mere 'usurper'.⁴³ As Mommsen put it, 'Any armed man had the right to make anyone else, if not himself, emperor'! (*Röm. Staatsr.* II³.ii.844). It was the event only that decided between legitimacy and usurpation: an emperor demonstrated his legitimacy by successful maintenance of his power against other candidates, as became clear during the struggle for power in 68-9, in the 190s, and again and again afterwards. Magnentius (A.D. 350-3) failed to secure himself in power and is therefore remembered as a 'usurper', and an inscription set up at Rome in 352 could refer to Constantius II as the suppressor of his 'pestiferous tyranny' (*ILS* 731). But surviving milestones inscribed in Italy while it was under the control of Magnentius not only give him the title of 'Augustus' but call him 'liberator of the Roman world, restorer of liberty and the commonwealth, preserver of the soldiers and the provincials' (e.g. *ILS* 742). As late as 458 Majorian could announce to the Senate of Rome, with some truth, that he had become *imperator* 'by the judgment of your election and the decision of the most gallant army' (*Nov. Major.* I.1). The endorsement of an imperial accession by the Senate was certainly invested with great significance in the early Principate, as a mark of legitimation; and Tacitus and Dio Cassius are careful to record it on each occasion, while ignoring the subsequent proceedings in the Assembly which (as we have seen) had already come to be a pure formality. Yet there is a fine irony in the way Tacitus describes the accession of Nero in 54: 'The decisions of the Senate,' he says, 'followed the voice of the soldiers' (*Ann.* XII.69.3).⁴⁴ And in the military anarchy of the mid-third century the endorsement of a new Princeps by the Senate, now more than ever dictated by 'the voice of the soldiers', became meaningless except as a useful mark of prestige. In the fourth century, significantly, the careful Ammianus does not even bother to record the senatorial endorsements of imperial accessions, although he happens to show that the Roman Senate was decidedly averse to Julian's rise from Caesar to Augustus in 360-1, which it was powerless to arrest (XXI.x.7). But Symmachus, for whom we may say that the Senate was a way of life, must have been

speaking with his tongue sadly in his cheek when on 25 February 369 he delivered a eulogy of Valentinian I, an emperor chosen by the army and meekly accepted by the Senate (see Amm. Marc. XXVI.i-ii). Symmachus actually describes the army as a *castrensis senatus*, a 'Senate under arms', and he adds, 'Let those who bear arms decide to whom the supreme command of the army is to be committed' (*Orat.* I.9). On only two or three occasions before the seventh century did the Senate itself as such create emperors, and only the last of these choices was really effective. In 238 it elected Balbienus and Pupienus, who lasted only a little more than three months before being murdered by the praetorian guard. In 275, if we can believe two unreliable sources, the army actually invited the Senate to nominate a successor to Aurelian.⁴⁵ Whether or not this is true, the man who became emperor was an elderly senator, Claudius Tacitus: he performed quite creditably for a few months but was then murdered. And in 518 the Senate – not of Rome but of Constantinople – chose Justin I; but this time the Senate was probably manoeuvred into its decision by Justin and his associates.⁴⁶ Nerva, who reigned from 96 to 98, is often regarded as the Senate's choice; but all that we can say for certain about this is that Nerva was as acceptable to the Senate as anyone.

(4) No other aspect of the Principate brings out better the extraordinary conflict in its very essence between theory and practice than the question of the succession.⁴⁷ That an emperor could not in theory guarantee the succession even of his own son was easily circumvented, by placing the designated heir in such a strong position that no one could safely challenge him. The Princeps could adopt his intended successor as his son if he had no son of his own. Augustus himself thus ensured the succession of Tiberius; on the death of Augustus in A.D. 14, an oath of allegiance was immediately taken to Tiberius, as his inevitable successor, from the consuls downwards (*Tac. Ann.* I.7.3),⁴⁸ even before Tiberius received confirmation of his position by formal votes in the Senate (*id.* I.11-13). This example was often followed. Within little more than a decade in the fourth century Valentinian I, by an interested choice which was far from universally approved, made his brother Valens an Augustus (364), as Ammianus puts it, 'with the consent of all, for no one ventured to oppose him' (XXVI.iv.3); Gratian was created Augustus by his father Valentinian at the age of eight, in 367 (XXVII.vi.4); and on the sudden death of Valentinian in 375 the army chiefs had his son Valentinian II declared Augustus although he was no more than four years old (XXX.x.1-5). Dynastic sentiment was easily aroused in the army in favour of the family of an emperor who, like Augustus or Constantine, had been conspicuously successful; and this sentiment could extend even to young daughters of the imperial house, from whose leadership military victories could not be expected (see Amm. XXVI.vii.10; ix.3). The dynastic principle conveniently worked equally well in favour of adopted sons: in accordance with Roman custom, they would be regarded no differently from sons who had been begotten. But there was one hidden defect in the system: a Princeps with a son of his own who was unfitted to succeed him could not very well disinherit him and adopt someone else. (I do not know of a single case in which this happened.) Not only would it have been repugnant to Roman custom; the natural son would automatically have commanded the allegiance of the army, or a large part of it, and he would have been a serious threat to any

other would-be emperor (cf. Philostr., *Vita Apollon.* V.35, ed. C. L. Kayser I.194, lines 16-25). A Commodus or a Caracalla could not be prevented from succeeding, and their respective fathers, Marcus Aurelius and Septimius Severus, could not avoid designating them as their successors.

Among our sources, two documents provide particularly good indications of senatorial attitudes to the succession: the speech Tacitus puts into the mouth of the Emperor Galba when adopting Piso in 69, and Pliny's panegyric of Trajan, delivered in 100. Tacitus makes Galba declare that he, unlike Augustus, is choosing a successor not from within his own family, but from the whole state (*Hist.* I.15); the empire is no longer something to be inherited within a single house, but selection has replaced the rule of chance that governed hereditary succession under the Julio-Claudian dynasty; and now that adoption can reveal the best man, a sort of freedom is being achieved (*loco libertatis erit quod eligi coepimus*: I.16). Pliny too appears at first to be an enthusiast for adoption, the manner in which Trajan had come to power in succession to Nerva (*Paneg.* 5.1 and 6.3 to 8.6, esp. 7.5-6). At one point he goes so far as to say that a man who is to be emperor 'ought to be chosen from among everyone' (*imperaturus omnibus eligi debet ex omnibus*: 7.6). Yet, almost at the end of the speech, he can utter a prayer that Trajan's successor will be, in the first place, a man begotten by him; only if this is denied him by Fate does Pliny contemplate his adopting, under divine guidance, some worthy man! (94.5).

The Senate's attitude to the succession could hardly be better expressed than by A. H. M. Jones:

Senators did not go so far as to claim the right of electing the emperor, though they were insistent that they only could confer upon him his constitutional prerogatives. Their desire was that the emperor should select his successor from the whole body of the House, and be guided in that choice by its sentiments. Their objection to the hereditary succession was partly a matter of principle, but was more due to their suspicion that a prince, bred in the purple, would be less amenable to their influence and less respectful of their dignity than a man who had been brought up in the traditions of the House (*LRE* I.4-5).

Finally, and most important, (5), although the pretended subjection of the emperor to the laws was a principle to which everyone, including of course the emperor, paid lip-service, and he himself might be considered to be acting like a 'tyrant' if he broke the law to gratify his own desires, yet, as in each of the first four contexts in which I have been examining the imperial power, theory might equally bear little relation to the harsh reality. Monarchy was now an institution the Roman upper classes could not do without, and those who profited by the existing state of affairs, like the emperors themselves, were naturally tempted to idealise it. Let us remind ourselves of a statement made in A.D. 100 by Pliny the Younger (quoted in the preceding section of this chapter): 'You order us to be free: we shall be' (*Paneg.* 66.4; cf. 67.2). And when we read Pliny's claim that 'the Princeps is not above the laws, but the laws are above the Princeps' (65.1), we must not fail to note that Pliny has just given himself away by congratulating Trajan on having voluntarily submitted himself to 'laws which no one intended for a Princeps' (*ipse te legibus subiecisti, legibus, Caesar, quas nemo principi scripsit*, 65.1). Throughout the Principate and Later Empire we find equally naïve congratulations being offered to emperors (sometimes by themselves) because

they are not despots but have *made themselves* 'subject to law'. In the early third century (according to Justinian) the Severans, Septimius and Caracalla (whom no one would count among the less autocratic emperors), had 'very often' boasted that although they were 'freed from the laws' they nevertheless 'lived by the laws' (*Inst.* I. II. xvii.8). A little later, Severus Alexander remarked sententiously that although the 'lex imperii' freed the emperor from the sanctions of law, nevertheless nothing so befitted the exercise of sovereignty as to live by the laws (*CJ* VI. xxiii.3, A.D. 232). In 348-9 Libanius expressed his enthusiasm that the Emperors Constantius II and Constans, although they were 'masters of the laws' (*kyrioi tōn nomōn*), had 'made the laws masters of themselves' (*Orat.* LIX. 162).⁴⁹ As late as 429, in a constitution addressed to the praetorian prefect of Italy, the Emperor Valentinian III could say grandly that 'for an emperor to profess himself bound by the laws is a sentiment worthy of the majesty of a ruler, so much does our authority depend on that of the law; indeed, to submit our Principate to the laws is something greater than the exercise of sovereignty itself' (*CJ* I. xiv.4).⁵⁰

In a speech delivered in 385, Libanius, addressing the Emperor Theodosius I in the standard Greek way, with the traditional word for a monarch (*ō basileu*'), could say to him, 'Not even to you is everything permitted, for it is of the very essence of monarchy [*basileia*] that its holders are not allowed to do everything' (*Orat.* L. 19). On this occasion, however, he was speaking in the most general and abstract way: he would never have dared to tell an autocrat like Theodosius that he could not carry out something specific he had a mind to do. The reality emerges clearly in another speech by Libanius, the funeral oration he wrote for Julian some time after his death in 363: Julian, he says, 'had it in his power to override the laws, if he wanted to, and ran no risk of being brought to justice and paying the penalty for it' (*Orat.* XVIII. 184). The emperor 'has at the tip of his tongue the power of life and death,' says Ammianus (XXIX. i. 19; cf. XVIII. iii. 7); but all the historian can do is to hope that this absolute monarch will not behave arbitrarily or despotically. (He often touches on this theme: see e.g. XXIX. ii. 18-19; XXX. iv. 1-2.) An imperial constitution of 384-5 forbids dispute concerning any exercise of the imperial judgment, on the ground that 'it is a form of sacrilege [*sacrilegii instar*] to doubt whether he whom the emperor has chosen is worthy' (*CTh* I. vi. 9 = *CJ* IX. xxix. 2).⁵¹ This pronouncement may well have been evoked by a dignified protest from Symmachus, as City Prefect, about the poor quality of some of his subordinates (chosen by the emperor and not by himself) – men whom, as he tactfully put it, 'the multifarious preoccupations of Your Clemencies made it impossible to test'! (*Rel.* xvii).

As an emperor could punish, so he could also pardon, and graciously allow some 'freedom of speech'. In the second century Favorinus of Arles, the Gallic hermaphrodite who became a Greek sophist, had been accustomed to maintain, explicitly as a paradox, that he had 'quarrelled with an emperor and was nevertheless alive'; and Philostratus, recording this, compliments the emperor concerned, Hadrian, for 'quarrelling on terms of equality, ruler as he was, with a man he could have put to death' (*Vit. soph.* I. 8). Ammianus tells a revealing story concerning Julian's behaviour in the 350s, while he was still only a Caesar – at this time a title indicating a junior partnership in the imperial dignity, subordinate to the Augustus, then Constantius II. Reproached for an act of clemency, Julian

replied that even if his *clementia* was objectionable in the eyes of the law (*incusent iura clementiam*), it was proper for an emperor of very mild disposition to rise superior to laws other than his own (*legibus praestare ceteris decet*, XVI. v. 12). Ammianus is clearly admiring Julian's conduct. And apart from punishing and pardoning according to his own will, an emperor could in practice, above all, make and unmake laws, generally or even *ad hoc*, at his own pleasure, for he was now the sole independent source of law. If I have space for only one example of an *ad hoc* alteration of the law for the ruler's personal benefit, it must be the constitution (*CJ* V. iv. 23), drawn up 'in sonorous and circumlocutory Latin',⁵² procured in the 520s by one of the most conservative and traditionally-minded of all the Roman and Byzantine emperors, Justinian I, while he was still only 'the power behind the throne' (of Justin I). This edict changed the Roman marriage law in a way that can have had no other object than to permit Justinian to contract an otherwise unlawful marriage with the ex-actress Theodora. Yet the emperors were if anything more clearly 'freed' from the marriage laws than from any others.⁵³

I realise that some people, especially perhaps constitutional lawyers, are impressed by the notion that the emperor was in theory 'subject to the laws', and many even wish to discuss the question whether the better emperors did not really 'live by the laws', and the causes and consequences of this phenomenon. For me such questions are too unreal to merit discussion, even apart from the feeling many of us may have that some of the oppressive and cruel laws of the Roman Empire would have been more honoured in the breach than in the observance.

To sum up – an emperor was subject in reality to one sanction and one only: that of force. This of course meant that he needed to obtain the willing adherence of those whose discontent with his rule he could not simply ignore or suppress: they included mainly the highest layers of the propertied class, and perhaps some army officers below that level. An emperor might be assassinated, or he might be removed by an armed coup; and if this happened it would be claimed that he was a 'tyrant' who had received his just deserts, although of course what had made him a 'tyrant' was simply his inability to maintain his rule (see under [3] above). To provide against such contingencies the emperor had his own personal bodyguard (in addition to the praetorian guard), and he was also the supreme commander-in-chief of the Roman army – from the very first, in practice. If in the early Principate there were troops not in theory under the emperor's direct command, in Africa for instance, the municipal authorities of Lepcis Magna could think it prudent, when setting up an inscription commemorating a victorious campaign against the Gaetulians in A.D. 6 'under the military command' (*ductu*) of the proconsul of Africa, Cossus Cornelius Lentulus, to refer to the proconsul as commanding 'under the auspices of Caesar Augustus', a recognition that militarily he was the emperor's subordinate (*E/J*² 43 = *AE* [1940] 68). In a poem addressed to Augustus, celebrating the German victories of Tiberius and Drusus in 15 B.C., Horace had already described the men, the resources and the plans involved as the emperor's (*Od.* IV. xiv. 9-13, 33-4, 41-52). In his *Res gestae*, of course, Augustus could speak of all the campaigns in his principate as conducted under his own auspices, and of the Roman army and fleet as 'my army' and 'my fleet' (see Wickert, PF 128-31). And the military

oath (*sacramentum*) seems always to have been sworn to the reigning emperor (see below). Indeed, in a very striking phrase which he puts into the mouth of the emperor usually known to us as Pupienus (in 238), Herodian could say that the military *sacramentum* (in Greek, *stratiōtikos horkos*) was a *semnon mystērion* of Roman rule – words for which there is hardly an equivalent in English: perhaps a ‘sacred talisman’, ‘august symbol’, ‘lofty secret’ (VIII.vii.4). Thus the emperor was in a very real sense a ‘military dictator’. But I would not myself place too much stress on the strictly military aspect of his rule, even though it was prominent in his official title in Latin of *imperator*, taken indeed as a *praenomen* by Augustus and by later emperors from Vespasian to Diocletian, who in their descriptions of themselves normally began, ‘Imperator Caesar . . .’ (The official Greek equivalent of *imperator* was *autokratōr*, a word far less strictly military in its connotation: see above.) My main reason for playing down the ‘military dictatorship’ of the Roman emperors is that they could not afford to use their armies regularly as a means of internal control, and that when the system worked properly they did not need to, apart from suppressing an occasional revolt. The system normally had the full backing of the upper classes. As I insisted above, however much individual emperors – Tiberius, Gaius, Claudius, Nero, Domitian, Commodus, and others later – might antagonise ‘the Senate’ or ‘the aristocracy’, there was no necessary or permanent conflict between them.

As I have alluded more than once to official panegyrics delivered to emperors (normally in their presence), I should add that I agree with Alan Cameron that they are not the easiest of documents to interpret and that they need to be considered from several points of view. I particularly like Cameron’s conclusion: ‘What mattered more than the content was the form and execution. The panegyrist was applauded and rewarded, not, in general, for what he said, but for how he said it’ (*Claudian* 36–7). This situation would have delighted Isocrates, an anti-intellectual who deeply believed in paying attention and respect to form in preference to content, and who must bear some share of responsibility for the deplorable fact that this attitude became standard in the Greek as well as the Roman world. (For Isocrates, see esp. V.ii n.53 below.) During the Hellenistic and Roman periods Greek education became ever more exclusively literary, and its crowning rewards were reserved for rhetoric.

* * * * *

The modern literature on various aspects of the ideology (including the theology) of the Roman Principate is abundant, but much of it seems to me too subjective to be rewarding, above all when it is based to a considerable extent upon interpretations of iconographic evidence, especially that of coin-types. I am not referring so much to coin-legends: we all know that, as Charlesworth put it, ‘Coins proclaim “The Loyalty of the Armies”, *FIDES EXERCITUM*, at the very time when armies are rebelling; or “The Unity of the Armies”, *CONCORDIA EXERCITUM*, when they are turning their swords against each other!’ (VRE 22). I am often astonished at the confidence with which some modern scholars use coin-types to identify the policy and mentality of an emperor. Surely, we can hardly ever be certain, in the absence of other evidence (often unavailable), that a particular coin-type is even to be taken as representing

the outlook of the emperor in whose name it was issued. As I shall show in a moment, there is reason to think that emperors did occasionally order particular motifs to be stressed on coins; but even then they are unlikely to have issued very detailed specifications, and it would have been left to the imperial officials who gave orders for the minting of the coins to carry out the emperor’s instructions. And we do not even know who these officials were! In the vast majority of cases, I suggest, it was these men who chose the types and legends, in accordance with what they believed, rightly or wrongly, to be the emperor’s wishes; and they had good reason to avoid over-subtlety. A little over twenty years ago A. H. M. Jones, in his contribution (recently reprinted) to a volume of essays dedicated to the distinguished Roman numismatist, Harold Mattingly, expressed his own scepticism:

It is questionable whether the elaborate messages which some numismatists deduce from coin types were intended to be conveyed by them, and still more questionable whether they were generally understood. In the Middle Ages we are better informed by literary sources on the significance of pictorial representations; we know that the symbolism was simple to the point of crudity. We are hardly justified in postulating a very much greater subtlety in the average inhabitant of the Roman empire (NH 15 = RE 63).⁵⁴

And Jones then recalls the statement by the late-sixth-century ecclesiastical historian John of Ephesus that the female figure on the solidi of the Emperor Justin II (565–578), which was in fact – although John does not say so – a personification of Constantinople, was felt to resemble the pagan goddess Aphrodite; Justin’s successor Tiberius Constantine prudently substituted a cross.⁵⁵ This certainly shows how even a standard coin-type could be misunderstood.

Jones also made much of the absence of literary evidence that importance was attached to coin-types and legends (NH 14 = RE 62). This I think is right, even if we take account of a few literary passages (not noticed by Jones) that speak of an emperor’s desire to strike coins expressing a particular motif. In the whole field with which I am concerned I myself know of only four such passages, although of course there may be many more. In one, Augustus issues a silver coin bearing the zodiacal sign under which he was born, that of Capricorn (Suet., *Div. Aug.* 94.12); and in another, Nero strikes coins (and orders statues) representing himself in the dress of a singer to the cithara (a *citharoedus*: Suet., *Nero* 25.2). Both these statements are confirmed by actual coins. In a third passage Constantine, according to Eusebius, orders himself to be portrayed on his solidi in an attitude of prayer, with eyes uplifted (*Vita Const.* IV.15); Eusebius adds that these coins were in general use. Now it is perfectly true that many Constantinian solidi from 324 onwards do display such a portrait; but whether Eusebius was right in supposing that the type was deliberately chosen by Constantine with pious intent is another matter, for the attitude in the portrait can be paralleled from Hellenistic times onwards, and the view has been expressed by numismatists that ‘the coins were not designed to express any Christian attitude or virtue’.⁵⁶ The fourth literary passage is the continuation (not quoted by Jones) of the one from John of Ephesus to which I have referred in the preceding paragraph (HE III.14). The Emperor Tiberius Constantine, we are told, declared that his substitution of a cross for the female figure (representing Constantinople) which could be mistaken for Aphrodite was dictated to him

in a vision – the only example, as far as I know, of divine intervention in this field, and perhaps the most useful surviving testimony to imperial concern with coin-types.⁵⁷ It is worth noticing here that in A.D. 365, according to Ammianus, the 'usurper' Procopius tried to advance his claim to the imperial throne by – among other forms of propaganda – having his gold coins circulated in Illyricum: the point stressed by Ammianus is that they 'bore his portrait' (they were *effigati in vultum novi principis*, XXVI.vii.11). Of course the name of the aspiring emperor was inscribed on the coins as well; but from what Ammianus says we can infer that people could be expected to notice the portrait too. On the other hand, Ammianus does not trouble to record the interesting legend, *REPARATIO FEL. TEMP.*, which apparently was borne by all the gold coins of Procopius, as part (it has been suggested)⁵⁸ of his claim to connection (by marriage) with the Constantinian dynasty, which had come to an end on the death of Julian only two years earlier, and coins of which had been inscribed *FEL. TEMP. REPARATIO* from 347 onwards.

One might perhaps have expected the anonymous author of that curious little pamphlet, the *De rebus bellicis* (probably of the late 360s or early 370s), to express some views about the usefulness of coin types and legends; but although he realised that rulers did put their own portraits on their coins (which, he believed, had earlier been made of earthenware and leather as well as gold, silver and bronze!), he thought they did so merely for their own glorification and to inspire awe (I.2,3, in Thompson, *RRI* 93-4, with the English translation, 109; cf. 26-31).

The texts I have quoted show that emperors could and sometimes did personally order the striking of particular types; but in each case the type is a very obvious one, and Jones's point remains: would there ever have been an intention to convey any elaborate or subtle message; and if so, would it have been understood? And above all, as I have pointed out, we can virtually never be sure whether a particular motif should be attributed to an emperor, rather than to the unknown official responsible for issuing the coin.

* * * * *

I have scarcely mentioned what I might call 'the theology of Roman imperial rule', a subject with which I must deal more briefly than it deserves. It is of course very relevant to the class struggle in the Roman empire, because religious reinforcement of the emperor's position could and did strengthen the whole gigantic apparatus of coercion and exploitation. This topic divides neatly into two parts: the pagan and Christian Empires. On the pagan side it is the so-called 'imperial cult' which has usually been the centre of attention.⁵⁹ (It is hard to define the expression 'imperial cult' otherwise than as the performance of acts of cult in honour of the emperors and sometimes their families:⁶⁰ this of course did involve some kind of 'religious worship', or at least the formal attribution of some kind of divinity to the person receiving cult; but what most people today would regard as the 'religious' element was often negligible.) For the benefit of those who know little of Roman history I must just mention the well-known fact that although a Roman emperor was worshipped in his lifetime at lower levels (so to speak), by provincial assemblies, cities, bodies of all kinds, and individuals, he never became an official god of the Roman state until after his death, when the Senate might or might not grant him a state cult and the title of

divus, 'the deified'. (The course taken by the Senate would largely depend upon the attitude of the succeeding emperor.) At the other extreme from deification, a dead emperor might suffer a *damnatio memoriae*, amounting to a general condemnation of his reign, a cancellation of his acts, the destruction of his statues, and the erasure of his name from public monuments. The eventual giving or withholding of divine honours, and the confirmation or cancellation of his *acta*, represented a kind of control over the emperor's behaviour while he ruled, in so far as he took such considerations into account: I would not rate them as having much independent weight with most emperors, who would anyway be much concerned that the Senate, as the representative organ of the imperial aristocracy, should regard them favourably.

The imperial cult cannot be properly understood, at any rate in the Greek East (where it originated), without tracing it back, through the Hellenistic cults expressing gratitude to distinguished benefactors, right into the Classical period. In II.iv above I have remarked on the significance of the earliest certain case at present known to us of a cult by a Greek city of a living individual: that of Lysander at Samos in 404, a clear manifestation of political class struggle. Although of course it was kings above all who were in the best position to confer benefits, it is misleading – however convenient – to speak of the earlier cult of benefactors as 'ruler-cult'; and it took centuries for such cult to become officially limited to one particular set of rulers: the Roman emperors. We must accept the fact that many of the earlier cults of benefactors, whether kings or not, were spontaneous expressions of gratitude. As Tarn said, in a brilliant passage:

The cult-names of the earlier kings – Soter the Saviour, Euergetes the Benefactor – express the fact that they were worshipped for what they did; . . . the typical function of kingship was held to be *philanthrōpia*, helpfulness to subjects . . . The Olympians conferred no personal salvation, no hope of immortality, little spirituality; and as guardians of the higher morality they were mostly sad misfits. And one had to take so much on trust: one might believe in the power and splendour of Zeus, but one could see the power and splendour of Ptolemy. The local god could not feed you in a famine; but the king did . . . Apollo could not help the managers of his temple at Delos to get in his debts from the islands; Ptolemy, when appealed to, sent his admiral, who got them in at once. Had not then a king powers denied to a god? So at least men thought (*HC*³ 49-55, at 53).

On the other hand, men and women also knew well that in some of their predicaments – illness in particular – what they wanted was supernatural or magical assistance: in such cases they commonly directed their prayers not to even the most powerful king but to the appropriate deity or other superhuman figure. If we feel inclined to limit our use of terms such as 'religion', 'worship', 'piety' to occasions on which the supernatural is involved, we shall agree with Arthur Darby Nock:

The touchstone of piety in antiquity is the votive offering, made in recognition of supposed deliverance in some invisible manner from sickness or other peril. This we do not find directed to rulers dead or living (*CAH* X.481).

In A.D. 14, just before the death of Augustus, we hear that the crew and passengers of an Alexandrian ship which had just arrived at Puteoli approached the emperor in the white clothing and garlands that were appropriate for worship, burning incense to him and praising him extravagantly: 'It was

through him they lived, through him they sailed the sea, through him they enjoyed their liberty and fortunes' (Suet., *Div. Aug.* 98.2). As Habicht has observed,⁶¹ the Alexandrians were expressing their gratitude to the emperor for worldly benefits, such as being able to sail the seas and carry on trade in peace and security; in a storm, however, they would have appealed for help not to Augustus but to the Dioscuri, the twin gods often invoked by navigators in time of need.⁶²

In an able article published in 1957 Nock examined possible exceptions to his statement, quoted above, and showed that the few certain cases are very special ones (DJ = *ERAW* II.833-46). His generalisation remains broadly true. Perhaps the incident that is most worth recalling here is the display of miraculous powers of healing by Vespasian at Alexandria in 70, a few months after he had been proclaimed emperor – the first of a new dynasty – by the legions of Egypt and Syria but before he had gone to Rome. His miracles, described by Tacitus, Suetonius and Dio Cassius,⁶³ included the healing of a blind man – with the aid of spittle, a feature shared with some of the miracles of Jesus (Jn IX.6; Mk VIII.23; cf. VII.33). Vespasian himself was a rather reluctant performer, but his staff persuaded him: as Suetonius says, Vespasian had not yet proved himself as emperor and he still lacked prestige and the capacity to inspire awe (*auctoritas et quasi maiestas quaedam: Vesp.* 7.2). A miracle or two might therefore be a valuable demonstration of his qualities. But he was not acting entirely by his own power: the god Sarapis had already given an indication that Vespasian could be expected to exercise miraculous gifts on his behalf, as Tacitus (*Hist.* IV.81) and Suetonius say; and according to the doctors, when consulted, Vespasian had an opportunity of demonstrating that he was the chosen human instrument of the gods.⁶⁴ (There are many other illustrations of the widespread occurrence in antiquity of events accepted as miracles: many readers may particularly enjoy the *Philopseudes* of Lucian.)⁶⁵

As early as the third century B.C. ruler-cult had begun to be systematised and to lose much of its original spontaneity. Many Roman governors of provinces in the Greek area could aspire to receive cult – even, in Sicily, a Verres (see Section iv of this chapter). During the Principate the imperial cult was soon introduced into the West (where it had no such natural roots as in the Greek East), by the imperial government at the provincial level, and at lower levels mainly by the influence of Greeks and Greek cities.⁶⁶ Coins issued in the reign of Aurelian and later give the emperor the titles of *deus* and *dominus*, god and lord.⁶⁷ But many scholars now realise that the imperial cult is not nearly as important as it used to be thought, at any rate as a religious rather than a political phenomenon. One of the main reasons for the inflated impression of the imperial cult in the minds of at any rate those who do not know the evidence for Roman history at first hand is the supposed importance of the worship of the emperors in the persecutions of the early Christians; but this notion is quite false and is now being generally abandoned (see my *WWECP* 10, with 32-3 nn.26-34 = *SAS*, ed. Finley, 216-17; and most recently Millar, *ICP*).^{67a}

I shall try here only to show how Christian thinking on the subject of the emperor's role was anticipated (as in so many other matters) by pagan conceptions. Out of a mass of small pieces of evidence – not cohering into a single whole, and often, indeed, conflicting with each other – I shall select three: two

literary and one iconographic, combining to present the emperor as the viceroy on earth of the king of the gods. I have chosen these pieces because they all come from the reign of Trajan (98-117), one of the few emperors who earned the enthusiastic approval of the Senate. Earlier, in the 90s, the poet Martial could speak of the Emperor Domitian as Jupiter, or as 'our Thunderer', an epithet assimilating him to Jupiter; and another poet, Statius, could make the Sibyl invoke Domitian as a god and say that 'Jupiter orders him to rule the happy earth on his behalf'.⁶⁸ However, Domitian in his later years was an autocratic emperor, who (we are told) wished men to address him as *dominus et deus*, 'Lord (or Master) and God'.⁶⁹ Flattery which might be regarded as untypical and (if not from Statius) insincere, when addressed to Domitian, can often be accepted as spontaneous and characteristic when its object is Trajan, the *optimus princeps*. My first piece of evidence is a literary passage in Latin already referred to in Section v of this chapter: Pliny the Younger's notion of a delegation by Jupiter to Trajan of 'the task of performing his role towards the whole human race' (*Paneg.* 80.5; cf. 1.5 for Jupiter's choice of Trajan). The second is part of a speech delivered to Trajan in Greek by Dio Chrysostom (probably very close in time to Pliny's *Panegyric*), one of seven orations by Dio dealing with kingship (or tyranny or both).⁷⁰ Here we find the same basic idea as in Pliny, of a delegation of power to the ruler by the greatest of the gods – Zeus in this case, of course, and in a generalised form, referring however not to a particular ruler, or to any king whatever, but specifically to good kings, whose concern is the welfare of their subjects (I.11-12). And finally, the same conception appears in the same reign in an official monument in Italy: the 'Arch of Beneventum', commissioned by the Roman Senate as a compliment to Trajan (see *ILS* 296), and finished in the last years of his reign, between 114 and 117. I shall quote what a leading Roman archaeologist, I. A. Richmond, had to say in 1950 about the sculptures of the Arch of Trajan:

Jupiter, the omnipotent protector of the Roman state, is shown preparing to hand his thunderbolt, the symbol of executive power, to Trajan himself. This awesome conception is not advanced at all in the form of a claim to identity with Jupiter. In the other half of the scene Trajan is shown as solemnly accompanied in his round of duties by the protector deities of the Roman state. The delegation of power is the declaration of confidence in Trajan by the supreme Deity in a fashion which presents the Roman Emperor as his vice-gerent upon earth. A claim to divine right is thus transformed into a proclamation of divine recognition.⁷¹

A Roman historian of the last generation from whom I have already quoted, M. P. Charlesworth (who apparently saw the object handed to Trajan by Jupiter as a globe⁷² rather than a thunderbolt), also referred to the sculptures on the Arch of Beneventum as illustrating 'the father of the gods stretching out his right hand to give to Trajan the symbol of power'; and he added, 'and that act is repeated on many coin-issues. Sometimes the ruler receives the symbol of power . . . from his deified father, sometimes from Jupiter himself, but there can be no doubt that he is the chosen of the gods, sent to care for things on earth by divine *Providentia*, and he in turn exercises his *Providentia* in various ways for the good of mankind' (*VRE* 15-16).

This, I suggest, is the particular form of pagan imperial theology which most nearly anticipates its Christian counterpart: it is mainly for this reason that

I have noticed it here, not because it was of any great significance in its own time – I do not think it was.^{72a} However, the concept of the reigning emperor as the *chosen* lieutenant of the gods, or of God, has one serious drawback, which does not apply when emperors in general are seen merely as enjoying divine *support*. In the latter case the existing emperor need only be accorded obedience so long as he is a *good* ruler (however the quality of goodness is defined), and he can be overthrown as soon as he begins to act like a tyrant, whereas acceptance of a given ruler as specifically chosen by divine will leaves no logical basis for a subsequent claim that he has ceased to rule well and therefore ought to be removed – for of course God, and even the pagan gods, must be assumed to have had foreknowledge of his behaviour when appointing him! To acclaim the emperor as the divine choice, then, means that in principle one is (if I may use the phrase) stuck with him, for good or ill. Perhaps it was partly a realisation of this that prevented the notion of divine choice of an emperor from playing any significant part in the ideology of monarchy during the Principate: it crops up occasionally, but only as one theme among many in literature and art. Far more important was the notion (incompatible in principle with divine choice, as I have shown) that the Princeps was entitled to reign only so long as he was a 'good emperor' – that is to say, so long as he was accepted by the upper classes, represented above all, of course, by the Senate. An anecdote illustrating this point of view is recorded by Dio Cassius: Trajan, when first handing the official sword of office to his praetorian prefect, unsheathed it, held it out, and said, 'Take this sword, so that you may use it for me if I rule well, but if I rule badly, against me' (LXVIII.16.1², ed. Boissevain III.203–4).⁷³

The Christians, on the other hand, were committed (I shall suggest) by their own sacred Scriptures to accepting the emperor as God's chosen representative.⁷⁴ To them, of course, any form of cult of the emperor himself was impossible; nor could they continue those ingenious developments of the notion of a particular deity as the *comes* (the associate) of the emperor which arose first in the late 180s and then again from the mid-third century onwards (see Nock, EDC = *ERAW* II.653–75) – for although calling some divine being (god, hero or *daimōn*) the emperor's *comes* did not necessarily imply his subordination to the emperor, it was obviously not a practice to which the Christian God could be accommodated. It was perfectly natural that the Christians should wish to find a theological justification for the new Christian monarchy of Constantine and his successors. (I shall say nothing of possible Old Testament precedents and influences, since the Israelite conceptions of kingship were a jumble of conflicting ideas, including a strong anti-monarchical strain, deriving from the Prophets; and modern scholars have advanced extraordinarily diverse opinions about them, often constructed on the basis of a highly selective use of texts.)⁷⁵ The Christians accepted the disastrous Pauline principle that 'The powers that be are ordained of God' (Rom. XIII.1–7; Titus III.1; cf. I Pet. ii.13–17, and I Tim. ii.1–2: see my ECAPS 14 n.41). Thus, 'the union with the Christian Church, from the time of Constantine, gave the system a religious veneer, and stamped subjection as resignation to the will of God' (F. Oertel, in *CAH* XII.270). There was now every reason why the Christians should revive the idea – existing earlier, as we have just seen, in the Principate, but not then of any real importance – of a divine delegation of supreme earthly power to the monarch.

The whole structure was presented by the historian and bishop, Eusebius of Caesarea, to Constantine, who had boasted earlier of the Unconquered Sun (*sol invictus*) as his *comes* but was now perfectly prepared to abandon all such relics of paganism. Constantine was more than ready to receive such ideas: during the winter of 313–14 he had written a remarkable letter to Aelafius, almost certainly the vicar (the vice-prefect) of Africa, towards the end of which he claimed that God had, 'by his celestial will, committed the government of all earthly things' to his control (Optatus, Append. III).⁷⁶ The theology of the Christian Empire can be seen almost in its full development in the portentous address by Eusebius to Constantine, the *Triakontaëtērikos* (or *Oratio de laudibus Constantini*), probably of 336, which I mentioned at the end of V.iii above (and see its nn.62–3 below). It is a most extraordinary document. Its stupefying, inflated, verbose, bombastic rhetoric – expected at that date, on a very solemn occasion – makes it wearisome reading today, whether in Greek or in English; but it should not be missed. Anyone who has no stomach for such stuff in any quantity should at least read the passages I have cited in a note.⁷⁷ Here we find the emperor, as God's vice-gerent, invested, mortal as he is, with a supernatural aura, by no means inferior to the lofty status to which pagan emperors had aspired by accepting cult themselves or associating themselves with gods in one way or another. The Christian emperors lost none of the majesty or authority of their pagan predecessors. Indeed, the imperial power now took on a deeper theological colouring than it had ever had in the Principate. As Nock has said, 'The climax of imperial dignity was reached under Christianity' (EDC 105 = *ERAW* II.658). The Emperor Justinian, on 15 December 530, in the constitution (beginning *Deo auctore*) giving instructions for the compilation of the *Digest*, opens by referring to himself as 'governing under the authority of God the empire delivered to Us by the Celestial Majesty'.⁷⁸

A particularly fascinating document emanating from the Later Roman Empire – now displaying many of the characteristics we associate particularly with the developed 'Byzantine Empire' – is the poem in praise of Justinian's successor, Justin II, *In laudem Iustini Augusti minoris*,⁷⁹ describing the inauguration of Justin in November 565 and written within a year or two of that event by Flavius Cresconius Corippus, who was himself present in Constantinople at the time. This is worth more than an incidental mention, especially as the poem and its author are not to be found in the patrologies or in such works as the *Oxford Classical Dictionary*² and the *Oxford Dictionary of the Christian Church*², or even – perhaps because Corippus wrote in Latin – in Dvornik's massive *Early Christian and Byzantine Political Philosophy* (mentioned near the beginning of this section). The admirable publication of the poem by Averil Cameron in 1976, with an English translation and commentary (see n.79), was an event which seems to have escaped the notice of most Greek and Roman – as opposed to Byzantine – historians. For our present purposes, the most important part of the poem (which is in four books) is the inaugural speech Corippus puts into the mouth of the new emperor (II.178–274), delivered in the presence of the full Senate (177), which immediately 'bowed down and adored the emperor, praising his pious speech' (II.276). The emperor begins by emphasising the God-given character of his rule (178–85), and he then develops an elaborate symbolism, uniting Emperor, Senate and People in a single body, while preserving of course their

hierarchical order, by referring to the emperor as the head (the *caput*) of the body politic (197–200, 205, 214), the senators as its breast and arms (200–16, the *proxima membra: pectus and brachia*), and the mass of people (the *plebes*) as 'the feet and minor parts' (*pedes . . . et membra minora*, 216–18). A delightful touch follows, to round off the idyllic picture: the Imperial Treasury, the *fiscus*, is the belly, which 'nourishes the body' (*venter alit corpus*, 249–51). Later in the same book there is a curious and unique passage in which Corippus actually speaks of the emperor who conducts himself properly as a *deus*, a god (422–5). This passage is immediately followed by two lines (427–8) declaring that Christ has given all power to 'the lords of the earth' (the *terrarium domini*: the emperors are meant); Christ is omnipotent, and the emperor is his very image (*Ille est omnipotens, hic omnipotentis imago*). Justin was to reinforce this symbolism by his construction inside the palace of a new 'Golden Chamber' (*Chrysotriklinos*) for ceremonial use, with the emperor's throne placed beneath a mosaic of Christ enthroned,⁸⁰ thus visibly emphasising his role as God's vice-gerent – which, as we have seen, was first set out explicitly by Eusebius but was implicit in St. Paul's maxim that 'The powers that be are ordained of God'.

Thus, near the end of the period with which this book is concerned, in the second half of the sixth century (and in the seventh), there occurred, as I said near the beginning of this section, a further exaltation of the emperor. This is not difficult to explain. Greater burdens than ever were being imposed upon the Byzantines by the enormous military efforts demanded of them by Justinian and his successors, which nevertheless led to a series of disasters, culminating in the subjugation by the Persians during the first three decades of the seventh century of Mesopotamia and parts of Syria and Egypt; and although Heraclius seemed to have restored the situation by 630 (the year in which he triumphantly returned to Jerusalem the 'True Cross', now recaptured from the Persians), the greatest disasters that had ever befallen the Eastern empire were now to take place, in the form of the Arab conquests (for which see VIII.iii below). Throughout this period the rulers of the empire realised that the greatest possible amount of cohesion would be needed to survive the continuing enmity of Persia and the assaults of 'barbarians' from all directions, and they felt that their survival depended upon divine help. The emperors, through whom – if through mortals at all – God's aid might be expected to manifest itself, and who alone could unify the *Rhōmaioi* (as the Byzantines called themselves), were naturally impelled to increase their own dominance by every available means, and the upper classes had no reason to do other than assist in this process, now that their own privileged position was in grave danger from *barbaroi* on all sides. We must see the aggrandisement of the emperor as only one among many elements – political, religious, ceremonial, liturgical, iconographic and others⁸¹ – designed to secure the cohesion of the empire and the aid of the Almighty. One very significant feature was the marked growth in the cult of icons and relics, and in particular the cult at Constantinople of the Virgin, the *Theotokos* (the Mother of God), whose robe and girdle – relics in which inestimable value and power were believed to reside – had been acquired by the city in the fifth century (see Baynes, *BSOE* 240–60) and who appears in the early seventh century as above all the principal channel of intercession with God. Her intervention was believed to have saved Constantinople from the Avars in 619 and most conspicuously on

the occasion of the menacing attack by Avars and Persians in 626 (in the absence of the Emperor Heraclius), when the Virgin herself was thought to have made a personal appearance, sword in hand, in front of the church dedicated to her at Blachernae, far up the Golden Horn.⁸² The emperors took their full share in this growth of piety and superstition,⁸³ and there seems to be no evidence that the educated, in this universally credulous age, were overborne (as some have supposed) by a wave of 'popular feeling' from below; indeed, 'the upper classes, if anything, led the way'.⁸⁴ Alan Cameron has well demonstrated how, from the late sixth century onwards and especially in the reign of Heraclius in the first half of the seventh, the Circus Factions (the Blues and the Greens) were given an increasingly important role in imperial ceremonial (cf. 249–70, 298). We must see this as 'a very positive effort towards social integration'.⁸⁵ Similarly, the emperors 'had much to gain in terms of social control from formalising the cult of the Theotokos and transforming it into a special guarantee of safety for the city'; and we may see the whole process as 'an attempt by the governing class to impose control'⁸⁶ through the use of appropriate and meaningful ritual and symbolism. The lower classes always obediently followed the leadership of their bishops in religious matters (cf. VII.v below). Political or military revolt was anyway out of the question for them altogether, and few signs of positive recalcitrance on their part can be detected now, except for example in desertions to the Arabs by Egyptian Monophysites, embittered by the persecution they received at the hands of 'orthodox' Chalcedonians (see VIII.iii below).

In their enthusiastic reaction to the coming to power of a line of Christian emperors from Constantine onwards, Eusebius and many of his fellow-bishops saw no need to limit the delegation of divine authority on earth to a good emperor, as even Dio Chrysostom had done (see above), so confident were they that they could commit themselves completely to Constantine. Perhaps at first they simply took it for granted – if they thought about the matter at all – that the emperors would continue to be God's men. Their whole theory of divine choice, however, going back (as I have shown) to St. Paul, necessitated their acceptance of the monarch, if not as God's reward to them, then as the instrument of God's will, working usefully in its customarily mysterious way for their improvement through chastisement.⁸⁷ (I cannot enter here into the various arguments they devised to give themselves a free hand in strictly religious matters against emperors who in their eyes were not carrying out the will of God.) The emperors repaid their bishops' loyalty by condemning and persecuting 'heretics' and 'schismatics'; and in A.D. 545, by his *Novel CXXXI.1*, Justinian went so far as to give the force of law to the Canons of the four General Councils of the Church that had already taken place and were recognised by the Catholics as oecumenical (Nicaea, 325; Constantinople I, 381; Ephesus I, 431; Chalcedon, 451). Justinian tactfully ignored the Second Council of Ephesus, in 449, which had a hardly less good claim than some others to be regarded as oecumenical except that 'the wrong side' won: it has come to be known as the *latrocinium* or 'Robber-Synod' (cf. what I say below about the Council of Chalcedon).

How little the Christian emperors lost by accepting the new theological formulation of their position is well illustrated by a passage from the Latin military handbook written by Vegetius, probably in the late fourth century. He

reveals that soldiers on recruitment swore (if I may translate literally) 'by God and Christ and the Holy Spirit, and the Emperor's Majesty, which, by God's will, ought to be beloved and venerated by the human race'; and he adds, 'For when the emperor receives the name of Augustus, faithful devotion must be given to him, as if to a deity present in the flesh [*tamquam praesenti et corporali deo*]. . . For the civilian or the soldier serves God when he loves faithfully him who reigns with God's authority' (II.5).

There is one other strain in the ideology of monarchy in antiquity that deserves a brief mention here, not because it is of any real importance in itself, but because some scholars have recently brought it into the foreground and have invested it with a significance which in reality it did not acquire until the high Middle Ages: I refer to the notion of the wise and good king as *nomos empsychos* (*lex animata*, 'law endowed with a soul', 'living law').⁸⁸ As early as the fourth century B.C. Xenophon had recorded the view that the good ruler was 'law endowed with the power of sight' (*blepōn nomos*, 'seeing law': *Cyrop.* VIII.i.22). Aristotle spoke of the cultivated and free man as 'a law unto himself' (*EN* IV.8, 1128^a31-2); and in the *Politics* he said that if there were a man so vastly superior to all the rest as to be beyond comparison with them, he could be likened to 'a god among men' and not subject to any law: such men indeed are 'law themselves' (III.13, 1284^a3-14; cf. 17, 1288^a15-19). The concept of the good king as *nomos empsychos* certainly emerged during the Hellenistic period, for Musonius Rufus, the Stoic philosopher of the second half of the first century of the Christian era, could refer to this notion as held by 'the men of old' (*hoi palaioi*); but the earliest certain appearance of the phrase in surviving Greek literature may be the one in Philo, *De vita Mosis* II.4 (early first century). The expression crops up only occasionally in the Principate and Later Empire, and it is absent from the *Triakontaëtērikos* of Eusebius; but it did not disappear in the Christian Empire, and we find it, for example, in the legislation of Justinian, who could speak in 537 of his own monarchy as *nomos empsychos* (*Nov. J.* CV.ii.4).⁸⁹ And now, in all seriousness, this is the direct gift of God. (Anyone who wishes to read English translations of some relevant passages in Plutarch, Musonius, 'Diotogenes' and Themistius will find them in Barker, *AC* 309-10, 365, 378.)

To the Byzantines the emperor's autocracy was, in the words of the seventh-century 'Poet Laureate' George of Pisidia, a *theotērikon kratos*, a power whose foundation is God himself (see Baynes, *BSOE* 32-5, 57-8; cf. 168-72). Such statements are not necessarily the product of anything that deserves to be dignified with the title of 'political thought'. Norman Baynes believed that to say 'there is no discussion of political theory' by the Byzantines is 'a misapprehension', and that 'Byzantine literature is interpenetrated by political thought, i.e. by the theory of East Roman monarchy' (*BSOE* 32). This seems to me to take the stuff too seriously. George's phrase, 'How fair a rule is monarchy with God for guide', is a representative specimen of it (*ibid.* 58; cf. 34-5 and n.25).

* * * * *

When only one supreme figure remained in the Graccho-Roman world, the accretion of unchallengeable prerogatives in his hands proceeded inexorably. In the Christian Empire, apart from armed revolt, the only possible challenge to his authority that he might need to take seriously was an appeal over his head to

that God whose viceroy on earth he was; and this kind of challenge was confined to religious matters. Even there, as I shall demonstrate elsewhere, an emperor who had a mind to interfere could enforce his will upon the clergy to a much greater extent, even in the doctrinal sphere, than ecclesiastical historians have generally been willing to admit. In recent years scholars have begun to bring out the powerful role played by Constantine in Church matters, first in the Donatist affair in north Africa (especially Numidia) and then in the Arian and other controversies which convulsed some of the churches of the Greek East. Fergus Millar, whose collection of useful information on the subject of communication between Roman emperors and their subjects I have referred to in this section and in II.v above, has brought out particularly well (*ERW* 584-90) the extent to which Constantine's earliest intervention in Church affairs, in the Donatist schism, was due to direct and repeated appeals made to him, especially by the Donatists. (His treatment of the Arian controversy, *ERW* 590-607, is much less satisfactory, perhaps because it illustrates unsolicited active intervention by the emperor, a theme that is less congenial to Millar.)⁹⁰ Once upon a time ecclesiastical historians could see Constantius II (337-361) as the emperor who began the 'interference' in Church affairs that led to 'Caesaro-Papism'; and this point of view is still sometimes heard. But this is due almost entirely to the fact that Constantius was not – in the eyes of those who became and remained the dominant faction⁹¹ – a fully orthodox Catholic emperor; and 'interference' in ecclesiastical matters, like 'persecution' (see VII.v below), merits its pejorative title, in the minds of many ecclesiastical historians even today, only when conducted by those having what they regard as heretical or schismatic tendencies⁹² – an emperor who coerced heretics or schismatics was simply helping to 'preserve the peace of the Church'. Now Constantine, converted to Christianity in his maturity, did not strongly fancy himself in the role of theologian. This emerges with particular clarity from the first document emanating from him in the Arian controversy: the long, emotional and moving letter he wrote in 324 to Alexander, the bishop of Alexandria, and Arius (given in full by Eusebius, *Vita Constant.* II.64-72), where he makes light of the super-subtle theological issues involved, treating them with great asperity as questions creating unnecessary discord which ought never to have been raised in public. Constantine was mainly prepared to let the bishops decide doctrine, but when a strong majority opinion emerged, or (as at the Council of Nicaea) seemed to him to be emerging, he was eager to support it powerfully, in pursuance of his fixed and overriding determination to secure peace and harmony,⁹³ and if necessary (as at Nicaea) to punish dissident clergy with exile.⁹⁴

All subsequent emperors were brought up as Christians, and some of them had strong theological views of their own, which they were sometimes prepared to force upon the churches. Above all, since it was the emperor who decided whether, when and where to summon a 'General Council of the Church' and (a vital point) who should preside over it, an emperor who wished to do so could sometimes stack the cards decisively against ecclesiastical opponents and assert his will to a large degree even in doctrinal matters. This appears with startling clarity in the proceedings of the Council of Chalcedon in 451. Those who have innocently accepted statements in such 'standard works' as Altaner's *Patrology*, and even the first edition (1958) of the *Oxford Dictionary of*

the Christian Church,⁹⁴ to the effect that it was papal legates who 'presided over the Council of Chalcedon' will need to be told that this is a gross misrepresentation of the true situation, and that in fact the Council was presided over by an extraordinarily high-powered lay commission of important imperial officials and distinguished senators (mostly *gloriosissimi*, and the rest *magnificentissimi*) appointed by the Emperor Marcian himself, who thus ensured in advance that its decisions would be in accordance with his own will and that of the influential Empress Pulcheria, both of whom happened to be orthodox. (It is precisely because the Monophysite bishops, with the single exception of Dioscurus of Alexandria, were overawed, and the Council produced a series of 'orthodox' decisions, that our ecclesiastical historians have failed to notice the way in which it had been thoroughly 'fixed' in advance.)

Emperors might sometimes deal harshly with bishops, exiling them from their sees: this practice was begun by Constantine himself. And emperors could on occasion issue rebukes to bishops who they felt were causing trouble. Not many authentic imperial replies to episcopal pretensions have been preserved. One that stands out is the letter (surviving in the *Collectio Avellana*) written by Justinian in 520, when he was not yet emperor (although already the power behind the throne), to Pope Hormisdas, politely but peremptorily ordering him to refrain from unnecessary dealings with dangerously controversial matters.⁹⁵ The last sentence reads, 'We shall not permit [*non patiemur*] a further religious controversy to be raised in our state by anyone, nor does it become Your Sanctity to listen to those who are quarrelling about superfluous questions.' In Justinian, indeed, as Ostrogorsky has well said, 'the Christian Church found a master as well as a protector, for though Christian he remained a Roman to whom the conception of any autonomy in the religious sphere was entirely alien. Popes and Patriarchs were regarded and treated as his servants. He directed the affairs of the Church as he did those of the state . . . Even in matters of belief and ritual the final decision rested with him' (*HBS*² 77).

Bishops, needless to say, sometimes felt obliged to oppose emperors whom they believed to be acting wrongly in theological or ecclesiastical matters. The earliest document I know in which a bishop orders an emperor not to meddle in ecclesiastical affairs (*ta ekklesiastika*) is the letter written by the aged Bishop Ossius (Hosius) of Cordoba to Constantius II in 356, preserved by Athanasius (*Hist. Arian.* 44).⁹⁶ The emperor is warned that God has given to him the kingship but to 'us' – the bishops – the affairs of the Church; and appeal is made (for the first time in this context, I believe) to Matthew XXII.21: 'Render unto Caesar the things which are Caesar's, and unto God the things that are God's.' I cannot see this, with Friend (*EC* 165), as in any sense 'the first statement of the Western theory of the Two Swords': as far as I know, this theory was only just beginning to emerge in the works of Peter Damian in the eleventh century (*Serm.* 69; cf. *Ep.* IV.9) and did not achieve its definitive expression until the Bull, *Unam sanctam*, of Boniface VIII in 1302, where both Swords (the *temporalis* or *materialis gladius* as well as the *spiritualis*) are seen as ultimately under the control of the Church, itself ruled monarchically by the Pope. The nearest expression of opinion that I know to this in the early Christian centuries is the letter of Pope Gelasius I to the Emperor Anastasius I in 494, where the world is said to be ruled principally by the *auctoritas sacrata* of priests and the *regalis*

potestas, with superiority in 'things divine' belonging to the former, above all to the bishop of Rome (*Ep.* XII, esp. 2).⁹⁷

It was not only their spiritual patrimony, the heritage of St. Peter, which gave the bishops of Rome their extraordinary prestige and influence. In the fifth century and later they had no such powerful imperial master close at hand as had the bishops of even the greatest Eastern sees: Constantinople, Alexandria and Antioch, who sometimes had to pay a heavy price, in ecclesiastical terms, for the virtually unqualified way in which most Christian bishops had expressed their loyalty to the first Christian emperor and his successors. Strong-minded and intrepid bishops might occasionally denounce emperors for favouring those whom they themselves regarded (and who regarded them) as heretics or schismatics, sometimes employing the kind of intemperate abuse which is all too characteristic of the religious controversy of the age. The most bitter denunciations of an emperor that I have come across in the early Christian centuries are those of Constantius II in 356–61 by Lucifer, the bishop of Calaris (Cagliari in Sardinia): he ransacked the Scriptures for the most lurid parallels and images.⁹⁸ (Apposite appeals to the Old Testament, to settle an argument, could always be relied on to gratify the faithful: among many examples, see e.g. Evagrius, *HE* IV.38, p. 187.17–27, ed. Bidez/Parmentier.) Lucifer, however, is not a major figure in the history of early Christianity, and I prefer to quote from the great St. Athanasius, the patriarch of Alexandria. For Athanasius, writing after the death of Constantius II, that emperor was an outright heretic (*De synod.* 1), 'the most irreligious Augustus' (12), who continued in heresy to his death (31). A few years earlier (probably in 358), while Constantius was still ruling, but in a work intended not for publication but for private circulation among the monks of Egypt, Athanasius could call him the patron of impiety and emperor of heresy (*Hist. Arian.* 45), compare him with the Pharaoh of the Exodus (30, 34, 68), and say that he tried to emulate Saul in savage cruelty (67); Constantius was 'a modern Ahab' (45, cf. 53, 68), the 'second Belshazzar of our times' (45), who made promises to heretical bishops as Herod did to the daughter of Herodias (52), and was 'more bitter than Pilate' (68); he was 'godless and unholy' (45), 'the forerunner of Antichrist' (46, 77, 80), indeed the very image of Antichrist (74). And with all this, Constantius is said to be dominated by eunuchs (38, cf. 67: Athanasius of course means Eusebius) and is allowed no mind of his own at all (69)! The fancy picture that Athanasius draws in *Historia Arianorum* 52, in which the Church makes all its own decisions and the emperor never interferes in its affairs, no doubt represents the ideal situation which the bishops would have desired – except, of course, when they needed, in crushing their rivals, to invoke the aid of 'the secular arm', a weapon they were delighted to use when it was available to them and not to their opponents. But the fantasy bore no resemblance to the reality, which has been well described by Henry Chadwick in his excellent first volume of the 'Pelican History of the Church':

As the fourth century advanced, it became increasingly the tendency for the final decisions about church policy to be taken by the emperor, and the group in the church which at any given time swayed the course of events was very often that which succeeded in obtaining the imperial ear (*The Early Church* 132).

* * * * *

I wish to add a very brief sketch of the sociology of the Roman upper classes

during the Principate and Later Empire. With the foundation of the Principate there were important changes. 'Nobilitas' lost its importance as a kind of unofficial qualification for high office (see Section iii of this chapter), although the term 'nobilis' long continued to be used as a kind of technical term in much the same sense, for consuls and their descendants, until the Later Empire, when it apparently came to be applied to city prefects and praetorian prefects as well as ordinary consuls (but not suffect consuls) and their descendants.⁹⁹ The two 'orders' were transformed. The *ordo senatorius* was extended to include the families of senators to the second or third generation, and became a hereditary governing class; and every senator had to possess property of the value of at least (probably) HS 1,000,000 (one million sesterces).¹⁰⁰ Sometimes an emperor would subsidise a senatorial family which had fallen below the necessary minimum of wealth, either because of its spendthrift habits or because it was too prolific in the male line: several such imperial subsidies, running into millions of sesterces, are recorded in the early Principate;¹⁰¹ and in the early sixth century, according to John Lydus, the Emperor Anastasius bestowed upon the ex-consul Paulus (son of Vibianus, a consul of 463) a gift of two thousand pounds of gold – one thousand to pay off a debt due to the honorary consul Zenodotus and another thousand for himself (*De mag.* III.48). The *ordo equester*, now greatly enlarged, became a sort of secondary nobility, although its privileges were personal and not hereditary and did not extend to the families of the men concerned. State offices, now greatly increased in number, were limited to these two classes, except that at first the emperor's freedmen (and even his slaves) might hold posts which ultimately came to be reserved for equestrians. To qualify for the highest offices one had to enter the Senatorial Order, either by being born into it or by special grant from the emperor, given in the form of permission to wear the *latus clavus*, the broad purple stripe on the *tunica*, which was the distinguishing mark of the senator, as the narrow purple stripe of the equestrian. In course of time, during the second and third centuries, senators came to be known by the honorary title of *clarissimi* (already an untechnical honorific title in the Late Republic), while equestrians, according to the dignity of the office they held, were (in ascending order) *egregii*, *perfectissimi* or *eminentissimi*, the last title being reserved, from the third century onwards, for the praetorian prefects, the highest equestrian officers.

By degrees the *ordo equester* became entirely a secondary aristocracy of office, all members of which were, or had been, holders of certain official posts. Even in the Late Republic a man had been able to describe himself loosely (as Cicero did) as 'born in equestrian status'.¹⁰² Although an equestrian could not hand on his own rank automatically to his son, he could hand on the property which entitled the son to offer himself for equestrian posts conferring that rank – or at least, he could do so provided he did not have too many sons! (The division of a *census equestris* of precisely HS 400,000 between two brothers is amusingly dealt with in one of Martial's poems: 'Do you think two can sit on one horse?', he asks derisively, V.38.) This situation remained fairly stable until about the middle of the third century; but during the later third century and the fourth there were great changes, which I can do no more than summarise in a sentence or two. Broadly speaking, we can say that the sphere of influence of the equestrians increased greatly during the later third century, at the expense of the Senate, and

provincial governorships which had formerly been reserved for senators came to be held by members of the *ordo equester*, especially those possessing military experience. However, the *ordo equester*, lacking an organ (such as the Senate) through which to make collective decisions, never acquired a corporate character or unity of purpose, but remained a collection of individuals. In the fourth century, from Diocletian and Constantine onwards, equestrian status became increasingly detached from office, because the emperors issued numerous honorary *codicilli*, granting the privileges of one or other of the several equestrian grades (which now existed separately, and not as part of a single 'equester ordo') to those who held no office. Then, during the third quarter of the fourth century, the highest of the former equestrian posts began to confer senatorial status. Thus the Senate, which by now had more than trebled in size (a separate Senate existing at Constantinople), absorbed the higher levels of the equestrian order; but this process was not completed until the last years of the fourth century or the early years of the fifth.¹⁰³

In their own eyes and those of their toadies, the senators constituted the very summit of the human race. Nazarius, a leading rhetorician of his day, declared in a panegyric in honour of Constantine and his first two sons in 321 that Rome, the very apex of all races and the queen of lands, had attracted to her *curia* (her Senate House) the best men (*optimates viri*) from all the provinces, and the Senate now consisted of 'the flower of the whole world' (*Paneg. Lat.* X[IV].35.2). The great orator Symmachus described the Roman Senate in a letter written in 376 as 'the better part of the human race' (*pars melior humani generis*; *Ep.* I.52). Rutilius Namatianus, in the poem recording his journey from Rome up the west coast of Italy towards Gaul late in 417,¹⁰⁴ praised the Senate (whose *curia* he dignifies with the word *religiosa*) for its reception of all who are worthy to belong to it; and – pagan as he was – he compared it to the *consilium* of the *summus deus* (*De red.* I.13–18). And in the panegyric he delivered to the Western Emperor Avitus on 1 January 456, Sidonius Apollinaris could say, addressing Rome herself, 'The world has nothing better than you; you yourself have nothing better than the Senate' (*nil te mundus habet melius, nil ipsa senau: Carm.* VII.503). It was entirely natural for St. Augustine – when he was considering 'the cause of the greatness of the Roman empire', why God should have wished that empire to be so great and so long-lasting, and attacking the astrologers – to choose the Senate, the *clarissimus senatus ac splendidissima curia*, as the most suitable simile for the starry heavens, which of course he saw as subject entirely to the will of God, much as the Senate (although he does not make the point explicitly here) was subject to the emperor (*De civ. Dei* V.i). Until the fourth century there were only about six hundred senators at any one time. The equestrians were far more numerous; but the two orders together could hardly have formed as much as one tenth of one per cent of the total population of the empire.

I cannot do better than end this section with a text that shows how powerfully people's minds were affected in the Later Roman Empire, down to the very roots, with notions of rank and hierarchy. The grades of precedence which existed in this world were projected into the next. The heavenly sphere, of course, went from the Godhead at the top, down through archangels, angels, patriarchs, apostles, saints and martyrs, to the ordinary blessed dead at the lower end. I do not think the relative positions of the middle strata were very clearly

defined, but I would imagine that an archangel and even an ordinary angel, in a heavenly *ordo salutationis*, would take precedence of any mere human, except of course for the Virgin, who occupied an anomalous position, unique among females, analogous to that of an Augusta in the Roman imperial hierarchy. It is perhaps less often realised that the diabolic sphere might equally be conceived as organised in an order of rank, reproducing that of the terrestrial and the heavenly regions. I need only quote one piece of evidence for this. Palladius, writing his *Historia Lausiaca* in 419-20, records some interesting information he had received from a number of leading Egyptian monks (Cronius, Hierax and others), intimates in their youth of the great Antony, the first (or one of the first) of the Christian hermits and a man of unrivalled prestige among the early monks, who had died in 356. According to Antony, a man possessed by an authoritative demon (an *archontikon pneuma*) was once brought to him to be cured; but the holy man refused to deal with him, on the ground that 'he himself had not yet been counted worthy of power over this commanding rank' (*tagma archontikon*; *Hist. Laus.* xxii, ed. C. Butler, p. 73.10-14). He advised that the man be taken to Paul the Simple, who eventually drove out the demon: it became a dragon 70 cubits long, and disappeared into the Red Sea. (This was a dragon larger even, perhaps, than the one disposed of, with little difficulty, by Donatus, bishop of Euroea in Epirus, for the removal of the corpse of which eight yoke of oxen were required, according to Sozomen, *HE* VII.26.1-3.) I may add that Antony, the original source of the story in the *Historia Lausiaca*, was an Egyptian peasant, who, although his family had been quite well-to-do (see Athan., *Vita Ant.* 1, 2), was illiterate and unable to speak Greek (id. 1, 16, 72, 74, 77; Pallad., *Hist. Laus.* xxi, pp. 68-9). When Paul the hermit died, it was to Antony that two lions came, to dig the hermit's grave (Jerome, *Vita Pauli* 16).

VII

The Class Struggle on the Ideological Plane

(i)

Terror, and propaganda

In this chapter I propose to illustrate the way in which the class struggle was conducted on the ideological plane. For any overt expression of the point of view of the oppressed classes there is unfortunately very little evidence indeed: we shall look at some of it in Section v below. The nature of the evidence is such that we must resign ourselves to spending nearly all our time on the ideological class warfare (if I may call it that) of the dominant classes.

I shall waste little time on the simplest form of psychological propaganda, which merely teaches the governed that they have no real option anyway but to submit; this tends to be intellectually uninteresting, however effective it may have been in practice, and consists merely of the threat of force. It was particularly common, of course, in its application to slaves. 'You will not restrain that scum except by terror,' said the Roman lawyer, Gaius Cassius, to the nervous senators during the debate on whether there should be the traditional mass execution of all the 400 urban slaves of Pedanius Secundus, the Praefectus Urbi, who had been murdered by one of his slaves in A.D. 61. The execution was duly carried out, in spite of a vigorous protest by the common people of Rome, who demonstrated violently for the relaxation of the savage ancient rule (*Tac., Ann.* XIV.42-5) – which, by the way, was still the law in the legislation of the Christian Emperor Justinian five centuries later.¹ In Pliny's letters we hear of the similar murder in the first years of the second century of the ex-praetor Larcus Macedo (*Ep.* III.xiv.1-5). The slaves were quickly executed. Pliny's comments are worth quoting, especially since he describes Macedo (himself the son of a freedman) as 'an overbearing and cruel master' (§ 1). 'You see,' he says nervously (§ 5), 'how many dangers, insults and mockeries we are liable to. No master can be safe because he is indulgent and kindly, for masters perish not by the exercise of their slaves' reasoning faculty but because of their wickedness' (*non iudicio . . . sed scelere*). There are other indications in the literature of the Principate that slaveowners lived in perpetual fear of their slaves (see e.g. Griffin, *Seneca* 267, citing Sen., *De clem.* I.xxiv.1 etc.). The latest literary reference I have come across to masters' fear of being murdered and robbed by their slaves is in one of St. Augustine's sermons, in the early fifth century (*Serm.* CXIII.4, in *MPL* XXXVIII.650). Slave revolts, of course, were mercilessly punished: we hear from Appian (*BC* I.120) of the crucifixion of the six thousand captured followers of Spartacus along the Via Appia from Rome to Capua, on the suppression of the great revolt of B.C. 73-71. To avoid such a fate, rebellious